

Wednesday, April 25, 2012 (at 10:06 o'clock A.M.).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement of Representative Creedon of Brockton.

A statement of Mrs. Creedon of Brockton, submitted subsequent to the session, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that due to a personal commitment, and unaware that a vote would be taken on the E.B.T. issue, I departed from the State House during the evening of April 25, prior to the vote on the further amendment to amendment number 804, relative to E.B.T. cards. Had I been present for Yea and Nay No. 242, I would have voted in the affirmative, since this is an issue of which I have deep concern. My missing of roll calls that night was due entirely to the reason stated.

Statement of
Mrs. Creedon
of Brockton.

Guests of the House.

During the session, Mr. Rogers of Norwood took the Chair, declared a recess, and acknowledged the return of Senator Rush of Boston from his duties overseas in the United States Navy. Mr. Rogers then introduced the state champion Norwood High School cheerleaders. They were the guests of Representative Rogers, Scaccia of Boston and Copping of Boston and Senator Rush.

Norwood High
School
cheerleaders.

Orders.

The following order (filed by Ms. Peisch of Wellesley) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Monday, July 2, 2012, within which to make its final report on current Senate document numbered 2197 and current House documents numbered 4003.

Education
committee,—
extension
of time for
reporting.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Resolutions.

Resolutions (filed with the Clerk by Ms. Hogan of Stow) congratulating Rosemary Rimkus on receiving the Good Scout Award from the Knox Trail Boy Scouts, were referred, under Rule 85, to the committee on Rules.

Rosemary
Rimkus.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mrs. Canavan of Brockton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Resolutions (filed with the Clerk by Representatives Linsky of Natick and

Daniel

Peisch of Wellesley) congratulating Daniel Rea on receiving the Eagle Award of the Boy Scouts of America, were referred, under Rule 85, to the committee on Rules.

Rea.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion Ms. Reinstein of Revere, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Monthly Report.

A monthly report of the Executive Office of Labor and Workforce Development (under Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for March, 2012, was placed on file.

Unemployment
Trust Fund.

Petitions.

Mr. Basile of Boston presented a petition (subject to Joint Rule 12) of Carlo Basile and others relative to home modification benefits for certain disabled veterans; and the same was referred, under Rule 24, to the committee on Rules.

Veterans,—
home
modification
benefits.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Barrows of Mansfield, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Veterans and Federal Affairs. Sent to the Senate for concurrence.

By Mr. Frost of Auburn (by request), an additional petition (having been deposited with the Clerk previous to five o'clock in the afternoon on Friday, January 21, 2011) (accompanied by bill, House, No. 4055) of Robert Steinmetz relative to establishing an animal abuse registry, was presented; and it was referred, under Rule 24 and Joint Rule 13, to the committee on the Judiciary. Sent to the Senate for concurrence.

Animal abuse,—
registry.

Reports of Committees.

By Mr. Binienda of Worcester, for the committee on Rules and the committee on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Joint petition (accompanied by bill) of John J. Binienda and Michael O. Moore for legislation to prohibit the towing of certain motor vehicles containing an unsupervised animal; and

Vehicle
towing,—
animals.

Petition (accompanied by bill) of John J. Binienda for legislation to prevent illegal drug dealing near recreational facilities;

Recreational
facilities,—
drug dealing.

Severally to the committee on the Judiciary.

Joint petition (accompanied by bill) of Jennifer E. Benson and Jennifer L. Flanagan for legislation to establish a sick leave bank for Mark Lewis, an employee of the Department of Developmental Services. To the committee on Public Service.

Mark Lewis,—
sick leave.

Under suspension of the rules, on motion of Mr. Barrows of Mansfield, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Recess.

At seventeen minutes after ten o'clock A.M. (Wednesday, April 25), on motion of Mr. Humason of Westfield (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before eleven o'clock; and seventeen minutes before one o'clock P.M. the House was called to order with Mrs. Haddad of Somerset in the Chair.

Recess.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2013 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4100, amended) was considered.

General
Appropriation
Bill.

After debate on the question on passing the bill, as amended, to be engrossed, Ms. Gobi of Spencer moved to amend it in section 2, in item 9110-1900, by adding the words “; provided, that funds shall be expended for the senior farm share program”, and in said item by striking out the figures “6,325,328” and inserting in place thereof the figures “6,375,328”. The amendments were adopted.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

Consolidated
amendments
(health and
human services
and elder
affairs).

In item 1108-5200 by striking out the figures “1,133,002,702” and inserting in place thereof the figures “1,228,002,702”,

In item 4000-0050 by striking out the figures “167,192” and inserting in place thereof the figures “235,485”,

By striking out item 4000-0300 and inserting in place thereof the following item:

“4000-0300 For the operation of the executive office of health and human services, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha’s Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services and housing on said islands; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by all agencies under the purview of the secretariat, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that funds appropriated in this item shall be expended for administrative and contracted services related to the implementation and operation of programs authorized by chapter 118E of the General Laws; provided

further, that in consultation with the division of health care finance and policy, no rate increase shall be provided to existing Medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed the rates that are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated for programs authorized by chapter 118E of the General Laws shall be accounted for in the Massachusetts management accounting and reporting system not more than 10 days after the expenditures have been made by the Medicaid management information system; provided further, that no expenditures shall be made that are not federally reimbursable, including those related to Titles XIX or XXI of the Social Security Act or the MassHealth demonstration waiver approved under section 1115(a) of said Social Security Act or the community first section 1115 demonstration waiver, whether made by the executive office or another commonwealth entity, except as specifically authorized herein, or unless made for cost containment efforts, the purposes and amounts of which have been submitted to the executive office of administration and finance and the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity equal to or greater than 5 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children; provided further, that the executive office of health and human services may continue to recover provider overpayments made in the current and prior fiscal years through the Medicaid management information system, and that these recoveries shall be considered current fiscal year expenditure refunds; provided further, that funds shall be provided in an amount not less than the total appropriated in item 1599-2009 in section 2 of chapter 182 of the acts of 2008; provided further, that the executive office may collect directly from a liable third party any amounts paid to contracted providers under chapter 118E of the General Laws for which the executive office later discovers another third party is liable if no other course of recoupment is possible; provided further, that no funds shall be expended for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement with the office of civil rights or any other office, group or entity; provided further, the executive office shall not set further limitations for acute care hospital inpatient and outpatient case-mix appeals than those in effect as of February 1, 2012; provided further, that interpretive services currently provided shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the executive office shall maintain the fiscal year 2012 overall reimbursement rate for the commonwealth's only medical respite program for the homeless; provided further, that notwithstanding any general or special law to the contrary, the executive office shall require the

commissioner of mental health to approve any prior authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that funds may be expended for the operation of the office of health equity within the executive office of health and human services; provided further, that not later than January 18, 2013 the executive office of health and human services shall submit a report to the house and senate committees on ways and means detailing the methodology used to project caseload and utilization in fiscal year 2012 and fiscal year 2013; provided further, that funds shall be expended to support the functions of the office of performance management in carrying out the executive order known as "Improving the Performance of State Government by Implementing a Comprehensive Strategic Planning and Performance Management Framework in the Executive Departments"; provided further, that any projection of deficiency in item 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0950, 4000-0990, 4000-1400 or 4000-1405 shall be reported to the house and senate committees on ways and means not less than 90 days before the projected exhaustion of funding;—and provided further, that any unexpended balance in these accounts shall revert to the General Fund on June 30, 2013.....\$87,222,963”;

In item 4000-0600, in line 15, by striking out the words “up to” and inserting in place thereof the word “of”,

In item 4000-0640, in line 8, by inserting after the word “policy” the following: “; provided further, that effective July 1, 2012 for the fiscal year ending June 30, 2013, the division of health care finance and policy shall establish nursing facility MassHealth rates that fully recognize the Medicaid share of the nursing home assessment established by section 25 of chapter 118G of the General Laws, and fund continuation of the Fiscal Year 2012 Add-On provision in section 6.06(13) of the division of health care finance and policy’s 114.2 CMR 6.00: Standard Payments to Nursing Facilities, enacted on September 1, 2011; provided further, that not less than \$2,800,000 shall be expended as incentive payments to nursing facilities meeting the criteria determined under the MassHealth Nursing Facility Pay-for-Performance Program and that have established and participated in a cooperative effort in each qualifying nursing facility between representatives of employees and management that is focused on implementing that criteria and improving the quality of services available to MassHealth members; and provided further that the MassHealth agency shall adopt regulations and procedures necessary to carry out section”, and in said item by striking out the figures “288,500,000” and inserting in place thereof the figures “318,500,000”;

In item 4000-0700 by striking out the figures “1,939,680,126” and inserting in place thereof the figures “1,954,480,126”;

In item 4000-1602 by striking out the figures “500,000” and inserting in place thereof the figure “1,000,000”;

In item 4401-1000, in line 5, by striking out the figures “3,000,000” and inserting in place thereof the figures “4,000,000” and at the end of said item by striking out the figures “7,109,035” and inserting in place thereof the figures “8,109,035”;

In item 9110-1500 by striking out the figures “47,289,340” and inserting in place thereof the figures “47,789,340”;

In item 9110-1660 by striking out the figures “1,610,617” and inserting in

place thereof the figure “1,717,616”,

In item 9110-1700 by striking out the figures “136,000” and inserting in place thereof the figures “186,000”, and

In item 9110-9002, in line 5, by inserting after the words “established by the secretary of elder affairs” the following: “; provided further, that not less than \$100,000 shall be spent for the Needham Senior Center located in the town of Needham”, and in said item by striking out the figures “8,060,177” and inserting in place thereof the figures “8,534,177”;

In section 2E, in item 1595-5819, by striking out the figures “795,022,286” and inserting in place thereof the figures “741,278,955”; and

By inserting before the effective date sections (which were subsequently renumbered) the following six sections:

“SECTION 143. Chapter 118E of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 62 the following new section:—

Section 63. Auto-Assignment for Medicaid Beneficiaries.

Beginning October 1, 2012, and until such time as the Managed Care Advisory Committee, established pursuant to Section 178 of Chapter 131 of the Acts of 2010 has filed its report with the legislature, the division shall make provisions to enroll those MassHealth beneficiaries who did not affirmatively select a managed care option into a Medicaid managed care organization that has contracted with the Commonwealth to deliver managed care services to eligible MassHealth beneficiaries, provided that the division shall give the Primary Care Clinician plan no greater preference than any single MCO in such assignment process and shall divide said assigned members equally among the Primary Care Clinician Plan and individual Medicaid managed care organizations on a rotating basis.

SECTION 144. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall conduct a procurement to select an entity or entities to conduct an analysis of the children with complex care needs in the MassHealth program. The goal of the procurement shall be to identify a suitable vendor to partner with the Executive Office to identify all children with complex care needs in the MassHealth program, understand the services, service providers and medical resources utilized and current costs of serving these children; and to analyze the suitability of their current primary or majority care settings relative to the goals of the Commonwealth’s Patient-Centered Medical Home Initiative and the goal of providing the highest quality care most efficiently by managing care and utilization of services. The analysis conducted pursuant to the procurement shall group the patients by primary diagnosis, including mental health diagnoses, or other clinical profile characteristics and assess the current medical home capabilities of primary care providers for the relevant patients in each category, by geographic region. The office shall not award any money or other compensation with the contract. The request for proposals shall be released by October 1, 2012 and the vendor shall be selected by November 30, 2012.

The chosen entity or entities shall produce a report of its findings to the executive office of health and human services, the division of insurance, the joint committee on health care finance, the house and senate committees on ways and means and the house and senate clerks, for public availability, no later than August 31, 2013. Such report shall include the following: (a) recommendations for how children with complex care needs could be served in keeping with the goals of the Commonwealth’s Patient Centered Medical Home Initiative; (b) recommendations for appropriate quality benchmarks for their care or recommendations regarding the

development of such metrics; (c) an analysis of potential federal and external funding sources; and (d) an analysis of care models and financial arrangements used for children with complex care needs in other states.

SECTION 145. Notwithstanding any general or special law to the contrary, the executive office of health and human services shall conduct an investigation of all federal and state assistance programs to determine which have eligibility requirements within the requirements of MassHealth and which could feasibly share data with the MassHealth program for purposes of renewing eligible children and their eligible parents in MassHealth through the express-lane eligibility option created under the Children's Health Insurance Program Reauthorization Act of 2009 (PL 111-3). The office shall submit a report on the results of that investigation to the house and senate committees on ways and means, the joint committee on health care financing, the joint committee on children and families and persons with disabilities and the house and senate clerks not later than April 1, 2013.

SECTION 146. Notwithstanding any general or special law to the contrary, there shall be a special commission for the purpose of studying and making recommendations concerning services for unaccompanied homeless youth age 22 and under, with the goal of ensuring a comprehensive and effective response to the unique needs of this population. The focus of the commission's work shall include, but not be limited to, an analysis of the barriers to serving unaccompanied youth who are gay, lesbian, bisexual, and transgender; an analysis of the barriers to serving unaccompanied youth under 18 years of age; an assessment of the impact of mandated reporting requirements on unaccompanied youths' access to services; the state's ability to identify and connect with unaccompanied youth; and recommendations to reduce identified barriers to serving this population, including, but not limited to, extending the time for certain categories of mandated reporters to file reports and establishing special licensure provisions to allow service providers to serve homeless youth under 18 years of age. The commission, in formulating its recommendations, shall take account of best practices and policies in other states and jurisdictions.

The commission shall include, the secretary of health and human services, the commissioner of the department of children and families, the commissioner of the department of elementary and secondary education, the commissioner of the department of public health, the commissioner of the department of mental health, the commissioner of MassHealth, the commissioner of the department of transitional assistance, the undersecretary of housing and community development, 2 members of the senate, appointed by the senate president, 2 members of the house of representatives, appointed by the speaker of the house, 3 youth who have experienced homelessness, appointed by the office of the child advocate, and a representative from each of the following organizations: Massachusetts Coalition for the Homeless, Task Force on Youth aging Out, Massachusetts Appleseed Center for Law and Education, MassEquality, Massachusetts Housing and Shelter Alliance, Massachusetts Transgender Political Coalition, the Boston Alliance of Gay, Lesbian Bisexual and Transgender Youth, and three persons to be named by the Governor.

The commission shall submit a report to the Governor, the speaker of the house of representatives and the president of the senate, the joint committee on children, families and persons with disabilities and the office of the child advocate no later than March 31, 2013, setting forth the commission's findings, together with any recommendations for regulatory or legislative action with a timeline for implementation, cost estimates and finance mechanisms. Thereafter, the commission shall submit a report annually by December 31st of each year to the

Governor, the speaker of the house of representative and the president of the senate, the joint committee on children, families and persons with disabilities, the clerks of the house of representatives and the senate and the office of the child advocate, detailing the extent of homelessness among unaccompanied youth within the commonwealth and the progress made toward implementing the commission's recommendations along with other efforts to address the needs of this population.

SECTION 147. Notwithstanding any general or special law to the contrary, the department of revenue, in conjunction with the executive office of health and human services, shall investigate and report on the feasibility and costs of implementing a sales tax exemption for any medical equipment deemed medically necessary and prescribed by a physician. The department of revenue shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the house of representatives and senate, the joint committee on revenue and the house and senate committees on ways and means not later than December 31, 2012."

The Speaker being in the Chair,—

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mrs. Wolf of Cambridge; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 150 members voted in the affirmative and 5 in the negative.

[See Yea and Nay No. 237 in Supplement.]

Therefore the amendments were adopted.

At two minutes after two o'clock P.M. (Wednesday, April 25), on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House recessed until three o'clock; and at twenty-one minutes after three o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following four sections:

"SECTION 148. Section 24 of chapter 138 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding, in line 17, after the words 'quantities thereof', the following:— ; provided, further, that no regulation promulgated as a result of this section shall prohibit the practice of selling, offering to sell or delivering to any person or group of persons any drinks at a price less than the price regularly charged for such drinks for a period longer than 48 hours, except at private functions not open to the public.

SECTION 149. Notwithstanding any general or special law to the contrary, the alcoholic beverages control commission shall, 1 year after the effective date of section 176, conduct an investigation and study as to of the impacts of said section. The commission shall report the results of its investigation and study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives, who shall forward the same to the joint committee on consumer protection and professional licensure on or before December 31, 2013.

SECTION 150. Section 106 of chapter 194 of the acts 2011 is hereby amended by inserting after the second sentence the following sentence:- In addition, the alcohol beverages control commission shall also investigate and report on the possibility of promulgating regulations allowing for the practice of selling, offering to sell or delivering to any person or group of persons any drinks at a price less than the price regularly charged for such drinks for period longer than 48 hours, except at private functions not open to the public.

Amendments
(health and human
services and
elder affairs)
adopted,—
yea and nay
No. 237.
Recess.

SECTION 151. Said section 106 of said chapter 194 is hereby further amended by striking out the words ‘June 30, 2013’ and inserting in place thereof the following words:— October 1, 2012.”.

The amendment was adopted.

Ms. Peisch of Wellesley then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following two sections:

“SECTION 152. Section 3A of chapter 60 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following subsection:—

(e) The collector may issue an electronic bill or notice for any other tax, excise, betterment or assessment committed by the assessors under a voluntary electronic billing program established for such tax, excise, betterment or assessment in the manner set forth in subsection (c). The electronic bill or notice issued under the program must meet the standards required by law for such tax, excise, betterment or assessment bills or notices.

SECTION 153. Section 2 of chapter 60A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking the following sentence in lines 28-31:— All tax notices sent to owners of vehicles notifying said owners of the amount of excise tax due and the due date shall indicate the owner’s license to operate number as appearing on the registration application, renewal application or amended registration as provided in section two of chapter ninety.”.

The amendment was adopted.

Mr. D’Emilia of Bridgewater and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 154. Section 10 of chapter 132 of the acts of 2009 is hereby repealed.

SECTION 155. Chapter 112 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after section 1A, the following new section:—

Section 1B. (a)The director and each of the boards of registration and examination under the director’s supervision, shall upon presentation of satisfactory evidence by an applicant for certification or licensure, accept education, training, or service completed by an individual as a member of the armed forces, as defined in clause 43 of section 7 of chapter 4; or the United States military reserves toward the qualifications required to receive the license or certification in question.

(b) The commissioner of public health and each of the boards of registration and examination under the commissioner’s supervision, shall upon presentation of satisfactory evidence by an applicant for certification or licensure, accept education, training, or service completed by an individual as a member of the armed forces, as defined in clause 43 of section 7 of chapter 4, or the United States military reserves toward the qualifications required to receive the license or certification in question.

(c) Notwithstanding any general or special law to the contrary, if a licensee or certificate holder, pursuant to chapter 112, is engaged in active service in the armed forces of the United States, as defined in clause 43 of section 7 of chapter 4, the license or certification held by a licensee or certificate holder shall remain valid until the licensee or certificate holder is released from active duty and for a period of not less than 90 days following said release.

(d) Notwithstanding any general or special law to the contrary, the commissioner of public health and each of the boards of registration and examination under the supervision of the commissioner, shall upon presentation of

satisfactory evidence by an applicant for certification or licensure, expedite the issuance of a license or certification to a person: (i) who is certified or licensed in a state other than Massachusetts, (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to Massachusetts; and (iv) who left employment to accompany the person's spouse to Massachusetts. The procedure shall include, but shall not be limited to: (v) issuing the person a license or certificate, if, in the opinion of the department, the requirements for licensure or certification of such other state are substantially equivalent to that required in Massachusetts; or (vi) issuing the person a temporary license or certificate to allow the person to perform services while completing any specific requirements that may be required in Massachusetts but were not required in the state in which the person was licensed or certified.

(e) Notwithstanding any general or special law to the contrary, the director and each of the boards of registration and examination under the supervision of the director, shall upon the presentation of satisfactory evidence by an applicant for certification or licensure, expedite the issuance of a license or certification for a person: (i) who is certified or licensed in a state other than Massachusetts; (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to Massachusetts; and (iv) who left employment to accompany their spouse to Massachusetts. The procedure shall include, but not be limited to: (i) issuing said person a license or certificate, if, in the opinion of the department, the requirements for licensure or certification of such other state are substantially equivalent to those required in Massachusetts; or (ii) issuing said person a temporary license or certificate to allow said person to perform services while completing any specific requirements that may be required in Massachusetts but were not required in the state in which said person was licensed or certified.

(f) The director and each of the boards of registration and examination under the director's supervision shall adopt all necessary rules, regulations, and procedures to implement the provisions of this section, effective beginning January 1, 2013.

(g) The commissioner and each of the boards of registration and examination under the commissioner's supervision shall adopt all necessary rules, regulations, and procedures to implement the provisions of this section, effective beginning January 1, 2013.

SECTION 156. Chapter 147 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 61 the following new section:—

Section 62. (a) The commissioner shall coordinate and adopt a uniform policy within the department to accept, upon presentation of satisfactory evidence by an applicant for certification or licensure under the authority of the department, education, training, or service completed by an individual as a member of the armed forces, as defined in clause 43 of section 7 of chapter 4, or the United States military reserves toward the qualifications required to receive the license or certification in question.

(b) Notwithstanding any general or special law to the contrary, if a licensee or certificate holder, who received a license or certificate under the authority of the department, is engaged in active service in the armed forces of the United States, as defined in clause 43 of section 7 of chapter 4, the license or certification held by a licensee or certificate holder shall remain valid until the licensee or certificate holder is released from active duty and for a period of not less than ninety days

following said release.

(c) Notwithstanding any general or special law to the contrary, the commissioner shall establish a procedure within the department to, upon the presentation of satisfactory evidence by an applicant for certification or licensure under the authority of the department, expedite the issuance of a license or certification for a person: (i) who is certified or licensed in a state other than Massachusetts; (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to Massachusetts; and (iv) who left employment to accompany their spouse to Massachusetts. The procedure shall include, but not be limited to: (i) issuing said person a license or certificate, if, in the opinion of the department, the requirements for licensure or certification of such other state are substantially equivalent to those required in Massachusetts; or (ii) issuing said person a temporary license or certificate to allow said person to perform services while completing any specific requirements that may be required in Massachusetts but were not required in the state in which said person was licensed or certified.

(d) The commissioner and the department shall adopt all necessary rules, regulations, and procedures to implement the provisions of this section, effective January 1, 2013.”.

The amendment was adopted.

Mr. Brady of Brockton and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 157. Notwithstanding chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensees located in Bristol county shall receive a credit of \$75,121.20 for unreimbursed Promotional Fund projects which credit shall be applied against said licensees payment obligation to the Racing Stabilization Fund established pursuant to section 20 of chapter 167 of the acts of 2009, as amended by section 14 of chapter 86 of the acts of 2010.”.

The amendment was rejected.

Representatives Orrall of Lakeville and Turner of Dennis then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 157. Section 25 of Chapter 151A, as so appearing, is hereby amended by adding at the end thereof the following (k) employees terminated for and proven; stealing from their place of employment or for illegal drug use while at work or drunkenness while at work.”.

The amendment was adopted.

Mr. O'Day of West Boylston then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 158. Section 3 of chapter 32 of the General Laws as appearing in the 2006 Official Edition is hereby amended in line 252 by inserting after the word prisoners the following words: employees of the department of children and families holding the title of social worker A/B, C, or D or successive titles who have been employed in such titles for 10 years or more.”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following two sections:

“SECTION 159. Section 8F of chapter 12 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in line 135, the figure ‘\$5,000’ and inserting in place thereof the following figure:— \$10,000.

SECTION 160. Said section 8F of chapter 12 is hereby amended by adding, at the end thereof, the following:—

A public charity, or an officer or agent of a public charity, who knowingly makes, executes or files a report false in any material representation shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.”.

The amendment was adopted.

Mr. Rogers of Norwood and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 161. Chapter 10 of the General Laws is hereby amended by striking out section 66, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:—

Section 66. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Victims of Drunk Driving Trust Fund. The fund shall consist of monies paid to the courts pursuant to the third paragraph of subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of chapter 90, together with any interest or earnings accrued on such monies through investment or deposit. The state treasurer shall be the custodian of the fund and shall receive, deposit and invest all monies transmitted to him under this section in accordance with sections 34, 34A and 38 of chapter 29 in such a manner as to secure the highest rate of return available consistent with the safety of the fund, and shall credit interest and earnings on the trust fund corpus to the trust fund. The state treasurer shall transfer funds from the income and receipts of the fund to the victim and witness assistance board, as established in section 4 of chapter 258B, from time to time, at the request of the board. The board shall administer grants from the fund, without further appropriation, and may award them to community-based programs and public agencies in the commonwealth to provide counseling and support services to victims, witnesses, and their family members of crashes caused by persons driving under the influence of drugs or alcohol. The board may also permit the allocation of funds for the purposes of impaired driving prevention, education, and training services. The board shall develop, in conjunction with the department of public health’s bureau of substance abuse and the Massachusetts chapter of Mothers Against Drunk Driving, written criteria for the awarding of grants and other funding allocations, which shall be evaluated and, if necessary, revised on an annual basis. For the purposes of this section, the words “victim,” “witness,” and ‘family member’ shall have the same meaning as defined in section 1 of said chapter 258B.

The board shall file a report detailing the amount of funds collected and expended from the fund along with a copy of the written criteria used to expend the funds to the house and senate committees on ways and means not later than February 28 of each calendar year. An amount not to exceed 5 per cent of the total funds deposited in the fund may be expended by the board for administrative costs directly attributable to the grants and programs funded by the fund, including, but not limited to, the costs of clerical and support personnel. Any unexpended balance of monies in the fund at the end of the fiscal year shall not revert to the General Fund but shall remain available for expenditure from such fund in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient

at any point during a fiscal year.”.

The amendment was adopted.

Ms. Balser of Newton and other members of the House then moved to amend the bill in section 2, in item 4512-0225, by striking out the figures “1,000,000” and inserting in place thereof the figures “1,830,000”. The amendment was adopted.

Mr. Dempsey of Haverhill and others then moved to amend the bill in section 2

By inserting after item 4408-1000 the following item:

“4510-0020 For the department of public health, which may expend not more than \$375,000 in revenues collected from fees charged by the food protection programs for program costs of the department's food protection program; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most recent revenue estimate as reported in the state accounting system.....\$375,000”,

In item 4510-0110 by adding the following: “; and provided further, that no less than \$100,000 shall be expended for the South Boston Community Health Center for the implementation of the South Boston Leadership Initiative pilot program” and in said item by striking out the figures, “965,634” and inserting in place thereof the figures “1,065,634”,

In item 4510-0600, in line 13, by adding the following: “; and provided further, that \$150,000 shall be expended for a comprehensive study of the exposure routes and patterns of contaminants in the Maple Meadowbrook Aquifer migrating to and affecting the Wilmington drinking water supply and the incidence of childhood cancer in the town of Wilmington”, and in said item by striking out the figures “3,163,711” and inserting in place thereof the figures “3,313,711”,

In item 4510-0725 by striking out the figures “232,382” and inserting in place thereof the figures “273,383”,

In item 4512-0103 by striking out the figures “31,597,810” and inserting in place thereof the figures “32,097,810”,

In item 4512-0200 by adding the following: “; provided further, that not less than \$125,000 shall be expended for Self Esteem Boston’s substance abuse direct service prevention and provider training programs; provided further, that not less than \$200,000 shall be expended to fund the Gavin Foundation, Inc.’s Speakers for Hope program; and provided further, that not less than \$300,000 shall be expended for integrated treatment and stabilization services for individuals and families living with co-occurring substance use and mental health disorders” and in said item by striking out the figures “76,539,595” and inserting in place thereof the figures “77,539,595”,

In item 4512-0201 by striking out the figures “2,800,000” and inserting in place thereof the figures “4,800,000”,

By inserting after item 4512-0201 the following item:

“4512-0203 For family intervention and care management services programs, a young adult treatment program, and early intervention services for individuals who are dependent on or addicted to alcohol or controlled substances or both alcohol and controlled substance.....\$1,500,000”,

In item 4512-0500 by adding the following: “; and provided further, that funds shall be expended for the Forsyth Institute’s Center for Children’s Oral Health”,

In item 4513-1000 by striking out the figures “4,563,911” and inserting in place thereof the figures “\$4,763,911”,

Consolidated
amendments
(public health).

In item 4513-1020 by striking out the figures “25,723,610” and inserting in place thereof the figures “27,023,610”,

By inserting after item 4513-1020 the following item:

“4513-1023 For the universal newborn hearing screening program; provided, that funds appropriated in this item shall be expended for the notification of and follow through with affected families, primary care providers and early intervention programs upon the department's receipt of data indicative of potential hearing disorders in newborns.....\$68,938”,

By inserting after item 4513-1026 the following item:

“4513-1098 For the provision of statewide support services for survivors of homicide victims, including outreach services, burial assistance, grief counseling, and other support services; provided, that funds shall be expended as grants in the aggregate amount of \$125,000 to the Louis D. Brown Peace Institute, a community-based support organization dedicated to serving families and communities impacted by violence..... \$125,000”,

By striking out item 4513-1111 and inserting in place thereof the following item:

“4513-1111 For the promotion of health and disease prevention including, but not limited to, the following programs: breast cancer prevention; diabetes screening and outreach; ovarian cancer screening; a statewide STOP stroke program and ongoing stroke prevention and education; hepatitis C prevention and management; multiple sclerosis screening, information, education and treatment programs and the Multiple Sclerosis Home Living Navigating Key Services program administered by the Central New England Chapter of the National Multiple Sclerosis Society; colorectal cancer prevention; prostate cancer screening, education and treatment with a particular focus on African American males; osteoporosis education; maintenance of the Amyotrophic Lateral Sclerosis registry created pursuant to section 25A of chapter 111 of the General Laws; and maintenance of the statewide lupus database; provided further, that funds may be expended for the operation of the Betsy Lehman Center for patient safety; and provided further, that \$50,000 shall be expended for education and support of patients diagnosed with PKU or related disorders and their families through a grant to NECPAD.....\$3,400,000”,

In item 4513-1130 by adding the following: “; and provided further, that funds may be expended for classroom-based domestic violence prevention education programs administered in item 0340-0900 in fiscal year 2009”,

In item 4518-0200 by striking out the figures “466,904” and inserting in place thereof the figures “616,904”,

In item 4590-0250, in line 1, by inserting after the word “public” the following: “and non-public”, and in said item by striking out the figures “11,132,301” and inserting in place thereof the figures “11,332,301”,

In item 4590-0300 by adding the following: “; and provided further, that not less than \$100,000 shall be expended for the Massachusetts Model of Community Coalitions”, and in said item by striking out the figures “4,150,703” and inserting in place thereof the figures “4,400,703”,

In item 4590-0912 by striking the figures “16,457,488” and inserting in place thereof the figures “16,953,548”,

In item 4590-0915 by striking out the figures “139,768,772” and inserting in place thereof the figures “144,090,926”,

In item 4590-1506 by striking out the figures “1,000,000” and inserting in place thereof the figures “1,500,000”, and

In item 4590-1507 by adding the following: “; provided further, that each organization previously included in the youth-at-risk grants shall receive in fiscal year 2013 a grant amount not less than that received in fiscal year 2012; and provided further, that funds granted to the Massachusetts Alliance of Boys & Girls Clubs must be distributed equally between said recipient's member organizations”, and in said item by striking out the figures “1,800,000” and inserting in place thereof the figures “1,900,000”,

By striking out section 46 and inserting in place thereof the following section:

“SECTION 46. Chapter 111N of the General Laws is hereby repealed.”; and

By inserting before the effective date sections (which were subsequently renumbered) the following six sections:

“SECTION 162. Section 5 of chapter 112 of the General Laws is hereby amended by striking out paragraphs 6 through 8, inclusive, and inserting in place thereof the following four paragraphs: - The board shall collect the following information reported to it to create individual profiles on licensees and former licensees, in a format created by the board that shall be available for dissemination to the public: (a) a description of any criminal convictions for felonies and serious misdemeanors as determined by the board. For the purposes of this subsection, a person shall be deemed to be convicted of a crime if he pleaded guilty or if he was found or adjudged guilty by a court of competent jurisdiction; (b) a description of any charges for felonies and serious misdemeanors as determined by the board to which a physician pleads nolo contendere or where sufficient facts of guilt were found and the matter was continued without a finding by a court of competent jurisdiction; (c) a description of any final board disciplinary actions; (d) a description of any final disciplinary actions by licensing boards in other states; (e) a description of revocation or involuntary restriction of privileges by a hospital, clinic or nursing home under the provisions of chapter 111, or of any employer who employs physicians licensed by the board for the purpose of engaging in the practice of medicine in the commonwealth, for reasons related to competence or character that have been taken by the governing body or any other official of the hospital, clinic or nursing home or employer who employs physicians licensed by the board for the purpose of engaging in the practice of medicine in the commonwealth after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital, clinic or nursing home or employer who employs physicians licensed by the board for the purpose of engaging in the practice of medicine in the commonwealth taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital, clinic or nursing home or of any employer who employs physicians licensed by the board for the purpose of engaging in the practice of medicine or employer who employs physicians licensed by the board for the purpose of engaging in the practice of medicine in the commonwealth ; (f) all medical malpractice court judgments and all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice claims in which a payment is made to a complaining party. Dispositions of paid claims shall be reported in a minimum of three graduated categories indicating the level of significance of the award or settlement. Information concerning paid medical malpractice claims shall be put in context by comparing an individual licensee's medical malpractice judgment awards and settlements to the experience of other physicians within the same specialty. Information concerning all

settlements shall be accompanied by the following statement: “Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred.

Nothing herein shall be construed to limit or prevent the board from providing further explanatory information regarding the significance of categories in which settlements are reported. Pending malpractice claims shall not be disclosed by the board to the public. Nothing herein shall be construed to prevent the board from investigating and disciplining a licensee on the basis of medical malpractice claims that are pending. (g) names of medical schools and dates of graduation; (h) graduate medical education; (i) specialty board certification; (j) number of years in practice; (k) names of the hospitals where the licensee has privileges; (l) appointments to medical school faculties and indication as to whether a licensee has a responsibility for graduate medical education within the most recent ten years; (m) information regarding publications in peer-reviewed medical literature within the most recent ten years; (n) information regarding professional or community service activities and awards; (o) the location of the licensee’s primary practice setting; (p) the identification of any translating services that may be available at the licensee’s primary practice location; (q) an indication of whether the licensee participates in the Medicaid program.

The board shall provide individual licensees with a copy of their profiles prior to release to the public. A licensee shall be provided a reasonable time to correct factual inaccuracies that appear in such profile. A physician may elect to have his profile omit certain information provided pursuant to clauses (l) to (n), inclusive, concerning academic appointments and teaching responsibilities, publication in peer-reviewed journals and professional and community service awards. In collecting information for such profiles and in disseminating the same, the board shall inform physicians that they may choose not to provide such information required pursuant to said clause (l) to (n), inclusive. For physicians who are no longer licensed by the board, the board shall continue to make available the profiles of such physicians, except for those who are known by the board to be deceased. The board shall maintain the information contained in the profiles of physicians no longer licensed by the board as of the date the physician was last licensed, and include on the profile a notice that the information is current only to that date.

SECTION 163. Section 3 of chapter 175H of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding, at the end thereof, the following two paragraphs:—

This section shall not apply to a discount, rebate, free product voucher or other reduction in out-of-pocket expenses, including but not limited to co-payments and deductibles on a prescription drug, biologic or vaccine provided by a pharmaceutical manufacturing company that is made available to an individual, if such is provided directly or electronically to the individual or through a so-called “point of sale” or “mail-in” rebate, or through similar means; provided however, that a pharmaceutical manufacturing company shall neither exclude nor favor any individual pharmacy or restricted network of pharmacies in the design of such discount, rebate, free product voucher or other expense reduction offer to an individual; provided further, that this section does not negate the need for a written prescription as otherwise required by law, nor is it intended to constrain a carrier or a health maintenance organization, as defined in chapter 118G, with regard to how its plan design will treat such discounts, rebates, free product voucher or other

reduction in out of pocket expenses, including but not limited to co-payments and deductibles.

For purposes of the Federal Health Insurance Portability and Accountability Act of 1996 and regulations issued there under, nothing in this section shall be deemed to require or allow the use or disclosure of health information in any manner that does not otherwise comply with such Act or such regulations.

SECTION 164. Section 54 of chapter 288 of the acts of 2010 is hereby amended by striking the second paragraph in its entirety and replacing it with the following new language:-

The department of public health shall convene a statewide advisory committee which shall recommend to the department by November 1, 2012 the Standard Quality Measure Set. The statewide advisory committee shall consist of the commissioner of health care finance and policy or the commissioner's designee, who shall serve as the chair; and up to 8 members, including the executive director of the group insurance commission and the Medicaid director, or the directors designees; and up to 6 representatives of organizations to be appointed by the Governor including at least 1 representative from an acute care hospital or hospital association, 1 representative from a provider group or medical association or provider association, 1 representative from a medical group, 1 representative from a private health plan or health plan association, 1 representative from the Massachusetts Association of Health Plans, 1 representative from an employer association and 1 representative from a health care consumer group.

SECTION 165. The second paragraph of section 181 of chapter 68 of the acts of 2011 is hereby amended by striking out the figure '2012' and inserting in place thereof the following figure:— 2013.

SECTION 166. Notwithstanding any general or special law to the contrary there is hereby established a special commission for the purpose of conducting an investigation and study of strategies to promote public awareness and increase knowledge of the causes of chronic obstructive pulmonary disease (COPD), the importance of early diagnosis, effective prevention strategies, and disease management. Said special commission shall determine what existing resources are currently being utilized, if there exists a solid scientific base of knowledge concerning COPD through surveillance, epidemiology, and research, and whether there is a need for improving the quality and accessibility of existing community-based COPD services. Said special commission shall consist of the chairs of the joint committee on public health, or their designees; the commissioner of the department of public health, or a designee; the secretary of the executive office of elder affairs, or a designee; a representative of the American Lung Association; and 4 members appointed by the Governor, from the following populations: a patient representative; a pulmonologist; a respiratory therapist; and a representative of the health insurance industry. Said special commission shall report, in writing the results of said study together with its recommendations, if any, not later than December 31, 2013.

SECTION 167. (a) Current positions and employees of the Massachusetts Office of Victims Assistance in the Sexual Assault Nurse Examiner Program shall be transferred to the Department of Public Health for the purposes of operating the Sexual Assault Nurse Examiner Program pursuant to Section 220 of Chapter 111 of the Massachusetts General Laws.

(b) Notwithstanding Chapter 150E of the Massachusetts general laws, these employees shall maintain salary and benefits in effect prior to the transfer and shall not be subject to collective bargaining agreements within the Department of Public

Health. Nothing in this section shall confer upon any employee of the Department's Sexual Assault Nurse Examiner Program any right not held immediately before the date of the transfer.

(c) The Department may fill vacancies in positions transferred pursuant to section 1, notwithstanding Chapter 150E of the General Laws, provided that the salaries and benefits of individuals hired into vacant positions are comparable to the salaries and benefits of individuals transferred into the same or similar positions within the Department's Sexual Assault Nurse Examiner Program.

(d) Subsections (b) and (c) of this act shall expire as of June 30, 2013."

Pending the question on adoption of the amendments, Mr. Dempsey of Haverhill moved to amend them by striking out proposed section 163 and inserting in place thereof the following four sections:

"SECTION 163. Section 3 of chapter 175H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the word "Any", in line 1, the following:— (a).

SECTION 163A. Said section 3 of said chapter 175H, as so appearing, is hereby further amended by inserting after word 'rebate', in line 7, the following words:— , except as provided in subsection (b).

SECTION 163B. Said section 3 of said chapter 175H, as so appearing, is hereby further 7 amended by adding the following 3 subsections:—

(b)(1) This section shall not apply to any discount or free product vouchers that a retail pharmacy provides to a consumer in connection with a pharmacy service, item or prescription transfer offer or to any discount, rebate, product voucher or other reduction in an individual's out-of-pocket expenses, including co-payments and deductibles, on (i) any biological product as defined in section 351 of the Public Health Service Act, 42 USC 262, or (ii) any prescription drug provided by a pharmaceutical manufacturing company, as defined in section 1 of chapter 111N, that is made available to an individual if the discount, rebate, product voucher or other reduction is provided directly or electronically to the individual or through a point of sale or mail-in rebate, or through similar means; provided, however, that a pharmaceutical manufacturing company shall not exclude nor favor any pharmacy in the redemption of such discount, rebate, product voucher or other expense reduction offer to a consumer.

(2) Pharmaceutical manufacturing companies are prohibited from offering any discount, rebate, product voucher or other reduction in an individual's out-of-pocket expenses, including co-payments and deductibles, for any prescription drug that has an AB rated generic equivalent as determined by the Food and Drug Administration.

(c) Subsection (b) shall not: (i) restrict a pharmaceutical manufacturing company with regard to how it distributes a prescription drug, biologic or vaccine; or (ii) restrict a carrier or a health maintenance organization, as defined in section 1 of chapter 118G, with regard to how its plan design will treat such discounts, rebates, product voucher or other reduction in out-of-pocket expenses; or (iii) affect in any way the obligations of practitioners and pharmacists pursuant to the generic substitution statute as defined in section 12D of chapter 112.

(d) For purposes of the federal Health Insurance Portability and Accountability Act of 1996, hereinafter referred to as HIPAA, and regulations promulgated under HIPAA, nothing in this section shall be deemed to require or allow the use or disclosure of health information in any manner that does not otherwise comply with HIPAA or regulations promulgated under HIPAA.

SECTION 163C. By no later than December 31, 2015, the division of health care finance and policy, in consultation with the department of public health, shall

conduct and complete an analysis of the impact on health care costs of the use of discounts, rebate, product voucher or other reduction for biological products and prescription drugs authorized pursuant to this Act. The report shall include, but not be limited to, a comparison of any change in utilization of generic versus brand name prescription drugs, the affect on patient adherence to prescribed drugs, patient access to innovative therapies, and an analysis of the impact on commercial health insurance premiums and on premiums associated with the group insurance commission. The division shall file a report of its findings with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on health care financing.”.

The further amendment was adopted.

The amendments, as amended, then also were adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 168. There shall be a special commission to conduct an investigation and study of the activities and efficacy of the adjudication of unemployment insurance claims by the department of unemployment assistance under the executive office of labor and workforce development. The commission shall consist of 11 members: 2 members who shall be appointed by the state auditor, both of whom shall have experience with the adjudication of unemployment disputes, and 1 of whom shall serve as chair; 2 members of the senate, 1 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader of the senate; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house and 1 of whom shall be appointed by the minority leader of the house; the director of the department of unemployment assistance, or a designee; the president of the Massachusetts taxpayer’s foundation, or a designee; the executive vice-president of the AFL-CIO, or a designee; the executive vice-president of associated industries of Massachusetts, or a designee; and the executive director of the Massachusetts municipal association, or a designee.

The study shall include, but not be limited to, an analysis of: (1) the number of claims received by the department quarterly since January 1, 2008 and the resulting status of all claims, including any information pertinent to the description of the status of said claims, including, but not limited to (i) the results of all initial determinations of claims, (ii) the results of any appeals resulting from said initial determination, (iii) the number of rulings reversed through the appeals and review process, (iv) the number of claims arising from the provisions of subdivisions (1) and (2) of subsection e of section 25 of chapter 151A, and (v) the number of claims settled in favor of the claimant and in favor of the employer; (2) the average length of time of the appeals and review process of a claim from initial determination to final disposition; (3) the procedures through which the department hires and trains new employees to implement the provisions of sections 39 through 41, inclusive, of chapter 151A, including a determination as to whether or not employment procedures have been followed pursuant to section 9K of chapter 23.

The study shall also include the recommendations of the commission relative to: (1) procedures through which the department may produce a quarterly report, to be posted on the department’s website, of the number of active claims and the status of said claims; (2) procedures through which any current backlog of cases may be fairly and efficiently resolved and avoided in future department proceedings; (3) procedures through which oversight and quality control principles may be

implemented to ensure the continuing prompt, equitable, and transparent application of current law by the commissioner and the board of review; (4) a complete review of current statute and regulations relative to the implementation of chapter 151A and any recommendations as to possible legislative reform and streamlined procedures, including, but not limited to, recommendations and procedures for the uniform and effective implementation of section 25 of chapter 151A.

The commission may request from all state agencies such information and assistance as the commission may require. The commission shall report the results of its investigation and study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives, who shall forward the same to the joint committee on economic development and emerging technologies and the house and senate committees on ways and means on or before December 31, 2013.”.

The amendment was adopted.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following four sections:

“SECTION 169. Subsection (c) of Section 8C of Chapter 23G of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting after the word ‘obligation’ in line 110, the following new words:— provided, however, that such fixed annual charges and fees and expenses charged by the Agency may be paid from the proceeds of the qualified bonds or of any temporary notes in anticipation of the sale of the bonds.

SECTION 170. Subsection (c) of Section 8C of Chapter 23G of the General Laws, as so appearing, is hereby amended by inserting after the word “Agency” in line 127, the following new words:— provided, further, that annual revenues within a city or town’s Community Preservation Fund, acquired pursuant to chapter 44B shall be assurance satisfactory to the agency for purposes of this section unless the agency determines it cannot issue special obligation bonds of the agency secured by such city or town’s Community Preservation Fund revenues.

SECTION 171. Section 3 of Chapter 44A of the General Laws, as so appearing, is hereby amended by inserting after the word “bonds” in line 4, the following new words:— provided, however, that the board shall by resolution authorize such city or town, with the approval of the community preservation committee, to issue such qualified bonds when the bonds are secured with revenues within the city or town’s Community Preservation Fund, acquired pursuant to chapter 44B.

SECTION 172. Section 11 of Chapter 44B of the General Laws, as so appearing, in the 2008 official edition, is hereby amended by inserting after the word “principal” in line 18, the following new paragraph:— A city or town or multiple municipalities acting as a public body that accepts sections 3 to 7, inclusive, may through the Massachusetts Development Finance Agency request financing through subsection (c) section 8 of chapter 23G.”.

The amendment was adopted.

Messrs. Lyons of Andover and Levy of Marlborough then moved to amend the bill inserting before the effective date sections (which were subsequently renumbered)the following section:

“SECTION 173. Chapter 211D of the General Laws is hereby amended by striking section 2A in its entirety, and inserting in place thereof the following:

Section 2A. (a) A person claiming indigency under section 2 shall execute a waiver authorizing the court's chief probation officer, or the officer's designee, to

obtain the person's wage, tax and asset information from the department of revenue, department of transitional assistance and the registry of motor vehicles that the court may find useful in verifying the person's claim of indigency. The waiver shall authorize the chief probation officer, or the officer's designee, to conduct any further reassessment required by this section.

(b) It shall be the responsibility of the chief probation officer assigned to each court to ensure that a person claiming to be indigent meets the definition of indigency under section 2. A person seeking the appointment of counsel shall be interviewed by the chief probation officer or the officer's designee prior to the appointment of counsel. The person conducting the interview shall explain to the person seeking appointment of counsel: (1) the definition of indigency; (2) the process used to verify the person's information with other state agencies; and (3) the penalties for misrepresenting financial information in applying for the appointment of counsel, including possible civil penalties and criminal prosecution. The officer or the officer's designee conducting the interview shall prepare a written indigency intake report that shall record the results of the interview and state a recommendation on whether or not the person seeking appointment of counsel is indigent. The person seeking appointment of counsel and the officer or the officer's designee conducting the interview shall sign the indigency intake report. In signing the report, the person seeking appointment of counsel shall certify under the pains and penalties of perjury that the information contained therein is true and that the person has not concealed any information relevant to the person's financial status. The intake report shall clearly and conspicuously state in bold type directly above the signature area that penalties for misrepresentation include fines and criminal prosecution. All statements contained in the report shall be deemed material statements. The completed report shall be presented to a judge who may adopt or reject the recommendations in the report, either in whole or in part.

(c) Appointment of counsel by a court shall, at all times, be subject to verification of indigency by the chief probation officer assigned to each court. The chief probation officer or the officer's designee shall, within 7 business days of appointment of counsel, complete a final report of the financial circumstances of the person for whom counsel was appointed containing wage, tax and asset information. In preparing the final report, the chief probation officer or the officer's designee shall access, through electronic sharing of information pursuant to a memorandum of understanding, wage, tax and asset information in the possession of the department of revenue and the department of transitional assistance, and any other information relevant to the verification of indigency in the possession of the registry of motor vehicles. These departments shall provide this information to the chief probation officer or the officer's designee upon request, within 3 business days from the date of request. The chief probation officer shall sign the final report, certifying that the person for whom counsel was appointed either continues to meet or no longer meets the definition of indigency. Thereafter, the report shall be filed with the case papers and shall be presented to the judge presiding at the person's next court appearance; provided, however, that if a person for whom counsel was appointed is found to not meet the definition of indigency, a court appearance shall be scheduled as soon as feasible prior to the person's next court appearance if the next court appearance is more than 2 weeks from the date the final report is completed. If, upon receipt of the report, a judge finds that the person for whom counsel was appointed no longer meets the definition of indigency, the judge shall revoke the appointment of counsel and allow such person a reasonable continuance to obtain new counsel.

Not later than 6 months after the appointment of counsel, and every 6 months thereafter, the chief probation officer or the officer's designee shall conduct a further reassessment of the financial circumstances of the person for whom counsel was appointed to ensure that the person continues to meet the definition of indigency. The chief probation officer or the officer's designee shall prepare, sign and file a written report certifying that the person either continues to meet, or no longer meets, the definition of indigency.

Upon request of the department of children and families, the commissioner of probation shall provide to the department a copy of a person's indigency intake form, final assessment of financial circumstances, and any report certifying that the person either continues to meet or no longer meets the definition of indigency prepared by the chief probation officer in accordance with this section. The department shall only use these forms, assessments and reports for the purpose of completing eligibility determinations under Title IV-E of the Social Security Act. The commissioner of probation and the commissioner of children and families shall jointly determine the process by which the department of children and families shall obtain and maintain these forms, assessments and reports. The department of children and families shall not disseminate, and shall prohibit dissemination of, such information for any purpose other than those set forth in this paragraph.

(d) If a criminal defendant is charged with a second or further offense while continuing to be represented by court-appointed counsel for a previously charged offense, the court in its discretion shall determine whether any further determination of indigency, other than the bi-annual reassessments required by the defendant's representation for the first offense, need be undertaken. Upon completion of a reassessment, the chief probation officer shall prepare a written report of the officer's findings. The chief probation officer shall sign the report, certifying that the defendant either continues to meet or no longer meets the definition of indigency. The report shall be filed with the case papers and shall be presented to the judge presiding at the defendant's next court appearance. If, upon receipt of the report, a judge finds that the defendant no longer meets the definition of indigency, the judge shall revoke the appointment of counsel and allow the defendant a reasonable continuance to obtain new counsel.

(e) If the court finds that a person has materially misrepresented or omitted information concerning the person's property or assets for purposes of determining indigency and that the person does not meet the definition of indigency, the court shall immediately terminate any assignment or appointment of counsel made under this chapter and shall assess a fine of not less than \$1,000 against the person. A person assessed such fine who fails or neglects to pay the fine within 30 days shall be punished by imprisonment in the house of correction for not more than 90 days. The chief probation officer shall refer each matter arising under this subsection to the district attorney for the appropriate county.

(f) A person provided counsel under this chapter shall be assessed a counsel fee of \$150 to be paid within 90 days of the date of appointment. The court may only grant a waiver to a person who has made a written request to the chief probation officer for such waiver. The court shall hold a hearing to determine the person's inability to pay the counsel fee. The facts the judge uses to support findings shall include the person's inability to pay such \$150 within 180 days. If a waiver is granted pursuant to this subsection the judge shall include written findings of fact and a written statement of the reasons for waiver. If, upon the biannual reassessment of the person's indigency, the court concludes that the person is able to pay the \$150 counsel fee of which the person obtained a waiver, the court shall revoke the waiver

and reimpose the \$150 counsel fee. The fee shall be in addition to any reduced fee required pursuant to section 2.

(g) The court may authorize a person for whom counsel was appointed to perform community service in lieu of payment of the counsel fee. A person seeking to work off a counsel fee in community service shall perform 10 hours of community service, in a community service program administered by the administrative office of the trial court, for each \$100 owed in legal counsel fees, which may be prorated. Notwithstanding any general or special law to the contrary, a court proceeding shall not be terminated and the person shall not be discharged if the person owes any portion of the legal counsel fee imposed by this section. The clerk shall not release any bail posted on such court proceeding until the legal counsel fee is satisfied in accordance with this chapter. Community service shall be verified by the chief probation officer or the officer's designee through a report to the court which shall include the nature of the community service, the recipient organization of the community service, the number of hours and identification of the source of verification. The chief probation officer or the officer's designee shall file a copy of the verification report with the clerk of the court. Community service shall be completed within 60 days of the authorization, unless an extension under the provisions of subsection (h ½) is granted.

(h) The clerk of the court shall, within 60 days of appointment of counsel, report to the department of revenue, the department of transitional assistance and the registry of motor vehicles the amount of any legal counsel fee owed by the person for whom counsel was appointed under this chapter. The department of revenue shall intercept payment of such fee from tax refunds due to persons who owe all or a portion of such fee. The registry of motor vehicles shall not issue or renew a person's driver's license or motor vehicle registration for any vehicle subsequently purchased by such person until it receives notification from the clerk of the court that the fee has been collected or worked off in community service. If payment of the counsel fee has not been made within 90 days, and there has been no extension granted by the court, the registry of motor vehicles shall suspend a person's driver's license until it receives notification from the clerk of the court that the fee has been collected or worked off in community service.

(h ½) The court may only grant an extension of the time to pay or complete community service to a person who has made a written request to the chief probation officer for such extension. The court shall hold a hearing to determine the person's necessity for such extension. If an extension is granted pursuant to this subsection the judge shall include written findings of fact and a written statement of the reasons for the extension. Extensions may not exceed 30 days and no more than two extensions may be granted. If the judge fails to make a written finding, and the payment period has expired, the clerk of the court shall make the notifications required by subsection (h).

(i) The office of the commissioner of probation shall submit quarterly reports to the house and senate committees on ways and means that shall include, but not be limited to: (a) the number of individuals claiming indigency who are determined to be indigent; (b) the number of individuals claiming indigency who are determined not to be indigent; (c) the number of individuals found to have misrepresented wage, tax or asset information; (d) the number of individuals found to no longer qualify for appointment of counsel upon any re-assessment of indigency required by this section; (e) the total number of times an indigent misrepresentation fine was collected and the aggregate amount of indigent misrepresentation fines collected; (f) the total number of times indigent counsel fees were collected and waived and the

aggregate amount of indigent counsel fees collected and waived; (g) the average indigent counsel fee that each court division collects; (h) the total number of times an indigent but able to contribute fee was collected and waived and the aggregate amount of indigent but able to contribute fees collected and waived; (i) the highest and lowest indigent but able to contribute fee collected in each court division; (j) the number of cases in which community service in lieu of indigent counsel fees was performed; and (k) other pertinent information to ascertain the effectiveness of indigency verification procedures. The information within such reports shall be delineated by court division, and delineated further by month.”.

Pending the question on adoption of the amendment, Mr. Hill of Ipswich asked for a count to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 156 members were recorded as being in attendance.

[See Yea and Nay No. 238 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the amendment, the Chair (Mr. Donato of Medford) placed before the House the question on suspension of Rule 1A in order that the House might continue to meet to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 123 members voted in the affirmative and 34 in the negative.

[See Yea and Nay No. 239 in Supplement.]

Therefore Rule 1A was suspended.

After further debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons of Andover; and on the roll call 36 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 240 in Supplement.]

Therefore the amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 173. Notwithstanding any special or general law to the contrary, any corporation engaged in the business of building or repairing boats may attach a single license plate registered and issued by the registry of motor vehicles to any trailer owned by such corporation for use to transport boats on public ways.”.

The amendment was adopted.

Mr. Mariano of Quincy being in the Chair,—

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 174. Chapter 180 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 3A the following section:—

Section 3B. A public charity, which received more than \$5,000,000 in gross support and revenue during the fiscal year covered by its report, shall establish an audit committee appointed by the board of directors. Members shall be appointed for 5 year staggered terms. The audit committee may include persons who are not

Quorum.

Quorum,—
yea and nay
No. 238.

Suspension
of Rule 1A.

Rule 1A
suspended,—
yea and nay
No. 239.

Amendment
rejected,—
yea and nay
No. 240.

members of the board of directors, but no member of the audit committee shall be a member of the staff of the public charity, including the president or chief executive officer and the treasurer or chief financial officer. If the public charity has a preexisting finance committee, it must be separate from the audit committee. Members of the finance committee may serve on the audit committee; provided, however, that the chairperson of the audit committee shall not be a member of the finance committee; and provided further, that members of the finance committee shall constitute less than one-half of the membership of the audit committee. Members of the audit committee shall not receive any compensation for their services on the board in excess of the compensation, if any, received by members of the board of directors and shall not have a material financial interest in any entity doing business with the corporation.

Subject to the supervision of the board of directors, the audit committee shall be responsible for making recommendations to the board of directors relative to the retention and termination of an independent auditor and may negotiate the independent auditor's compensation on behalf of the board of directors. The audit committee shall: confer with the independent auditor to satisfy its members that the financial affairs of the public charity are in order; review and determine whether to accept the audit; ensure that any nonaudit services performed by the auditing firm conform to standards for auditor independence referred to in the first paragraph of this section; and approve the performance of nonaudit services by the auditing firm. If the public charity required to establish audit committee pursuant to this section is under the control of another corporation, the members of the audit committee may be members of the board of directors of the controlling corporation.

The audit committee shall establish procedures for the receipt, retention, and treatment of complaints received by an employee of the public charity regarding questionable accounting practices; internal accounting controls; or auditing matters.

Public charities required to submit a financial statement audited or reviewed by an independent certified public accountant shall be prohibited from retaining or using the same auditor or auditing firm for more than five consecutive years”.

The amendment was adopted.

Mr. Durant of Spencer and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 175. The office of the inspector general shall study and report on the feasibility of setting limits on the annual compensation of the executive staff of a nonprofit corporation or public charity that receives any public funds from the commonwealth equal to or greater than 30 per cent of such nonprofit corporation or public charity’s yearly budget. The office of the inspector general shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the house of representatives and senate and the house and senate committees on ways and means not later than December 31, 2012.”.

The amendment was adopted.

After debate on the question on passing the bill, as amended, to be engrossed, Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 0321-1600 by striking out the figures “11,000,000” and inserting in place thereof the figures “12,000,000”,

In item 0321-2000 by striking out the figures “781,177” and inserting in place thereof the figures “806,177”,

Consolidated
amendment
(Judiciary and
public safety).

In item 0321-2100 by striking out the figures “902,016” and inserting in place thereof the figures “981,810”,

In item 0330-0300, in line 12, by inserting after the word “commonwealth” the following: “provided further, that not less than \$20,000 shall be spent for the ‘Grandparents Raising Grandchildren Project’ to provide legal services to such grandparents in the areas of family law and public benefits and further requiring the chief justice of administration and management to make a report to the Legislature no later than January 2013 of all the above grandparents who requested legal services, were eligible for legal services and were denied because of insufficient resources, including the legal problem for which they sought assistance”, and in said item by striking out the figures “203,775,080” and inserting in place thereof the figures “209,775,080”,

In item 0332-0100, in lines 2 to 9, inclusive, by striking out the following: “provided, that notwithstanding the provisions of any general or special law to the contrary, the district court of Chelsea shall be the permanent location for the northern trial session to handle 6 person jury cases; provided further, that all personnel within said district court whose duties related to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize whatever space within the facility-at-large he deems necessary to comply with S.J.C. Rule 3:12, Canon 3(A)6”, and in said item by striking out the figures “55,552,336” and inserting in place thereof the figures “54,442,152”,

In item 0335-0001, by adding the following: “provided further that the district court of Chelsea shall be known as ‘the Chelsea division of the Boston municipal court department held at Chelsea; Chelsea and Revere’”, and in said item by striking out the figures “8,538,726” and inserting in place thereof the figures “9,648,910”,

In item 0337-0002 by inserting after the word “department” the following: “provided that in fiscal year 2013 the department shall not reduce the amount allocated to the CASA programs as appearing in items 0337-0300, 0337-0400, 0337-0600, 0337-0700 of section 2 of chapter 182 of the acts of 2008 by more than 5 per cent”, and in said item by striking out the figures “14,642,982” and inserting in place thereof the figures “15,039,221”,

In item 0340-0100 by striking out the figures “16,378,860” and inserting in place thereof the figures “16,442,761”,

In item 0340-0200 by striking out the figures “13,875,497” and inserting in place thereof the figures “14,023,058”,

In item 0340-0300 by striking out the figures “8,755,092” and inserting in place thereof the figures “8,615,961”,

In item 0340-0400 by striking out the figures “9,468,939” and inserting in place thereof the figures “9,105,742”,

In item 0340-0500 by striking out the figures “8,064,395” and inserting in place thereof the figures “8,198,688”,

In item 0340-0600 by striking out the figures “5,004,655” and inserting in place thereof the figures “5,104,790”,

In item 0340-0700 by striking out the figures “8,445,028” and inserting in place thereof the figures “8,399,821”,

In item 0340-0800 by striking out the figures “7,189,887” and inserting in place thereof the figures “7,286,097”,

In item 0340-0900 by striking out the figures “7,553,290” and inserting in place thereof the figures “7,580,803”,

In item 0340-1000 by striking out the figures “3,716,007” and inserting in

place thereof the figures “3,705,545”,

In item 0340-1100 by striking out the figures “3,619,864” and inserting in place thereof the figures “3,608,246”,

In item 8000-0106, in line 5, by inserting after the words “municipal police departments” the following: “; provided further, that \$200,000 shall be used for the recording and processing for DNA samples pursuant to Chapter 22E of the General Laws”, and in said item by striking out the figures “15,074,646” and inserting in place thereof the figures “15,530,646”,

By striking out item 8000-0600 and inserting in place thereof the following item:

“8000-0600 For the office of the secretary, including the administration of the office of grants and research and the highway safety division, to provide matching funds for a federal planning and administration grant pursuant to 23 U.S.C. section 402; provided, that local police departments, sheriff departments, the department of state police, the department of correction and other state agencies, authorities and educational institutions with law enforcement functions as determined by the secretary that receive funds for the cost of replacement of bulletproof vests through the office of the secretary may expend without further appropriation such funds to purchase additional vests in the fiscal year in which they receive the reimbursements; provided further, that the office of the secretary shall, in consultation with the Massachusetts sheriffs' association, develop a report on recidivism rates for all pretrial, county sentenced and state sentenced inmates utilizing data provided by the department of correction and sheriff departments; provided further, that funds under this item may be expended by office of the secretary to facilitate the sheriffs, in consultation with the Massachusetts sheriffs' association, in determining a standardized definition of recidivism for Massachusetts sheriffs and analyzing relevant data to provide above required recidivism reporting; provided further, that the department shall submit these reports to the executive office for administration and finance, the house and senate committees on ways and means and the joint committee on public safety on a quarterly basis starting October 1, 2012, due no later than 30 days after the last day of each quarter; and provided further, that the executive office of public safety and security shall conduct a study in collaboration with the department of mental health on the potential benefits and viability of a Jail Diversion Community Safety Initiative that promotes programs focused on mental health treatment for persons facing arrest; provided further, that said initiative would focus on (a) support for regional, multidisciplinary approaches to promote access to mental health treatment rather than arrest or jail, (b) provide resources to communities to develop programs for prevention and intervention and technical assistance and information to support local planning and training efforts; provided further, the executive office of public safety and security shall submit said report to the house and senate committees on ways and means no later than January 15, 2013; provided further, that not less than \$50,000 shall be expended for public safety improvements in the town of Braintree; and provided further, that \$75,000 shall be expended for the commission created in section 189 of Chapter 68 of the Acts of 2011\$2,212,797”,

In item 8100-0111, in line 32, by inserting after the date “December 15, 2012” the following: “;provided further, funds from this item shall not be used for police

or law-enforcement overtime pay; provided further, that the Executive Office of Public Safety and Security must submit a report that details the distribution of grant funds to the executive office for administration and finance and the house and senate committees on ways and means within 60 days of the distribution of said funds”, and in said item by striking out the figures “2,000,000” and inserting in place thereof the figures “5,500,000”,

In item 8100-1001, in line 29, by inserting after the words “performed by state police officers” the following: “; provided further, that not less than \$1,000,000 shall be expended for the payroll costs of the state police directed patrols; provided further, that subject to appropriation communities receiving funds for directed patrols in fiscal year 2008 shall receive an equal disbursement of funds in proportion to the current appropriation in fiscal year 2013; provided further, that the Town of Randolph shall receive no less than \$50,000 for the payroll costs of the state police directed patrols; provided further, that the Town of Milton shall receive no less than \$50,000 for the payroll costs of the state police directed patrols”, and in said item by striking out the figures “243,119,033” and inserting in place thereof the figures “244,119,033”,

In item 8200-0200, in line 4, by inserting after the following “charged to item 8200-0222” the following: “; provided further, towns in Worcester County hosting municipal police training academies shall not receive less than the amount appropriated in section 2 of chapter 68 of the acts of 2011; provided further, in fiscal year 2013 no less than \$20,000 shall be provided for the manufacture and presentation of medals of recognition for Korean War Veterans” and in said item by striking out the figures “2,500,378”, and inserting in place thereof the figures “2,520,378”,

In item 8311-1000, in line 22, by inserting after the word “operated” the words “; provided further, that the board of building regulations and standards shall expend funds from this item for the purpose of providing for the limited use of first-class mail to send Construction Supervisor License notifications to those who are unable to access notifications via e-mail”,

In item 8324-0000, in line 8, by inserting after the words “the split days option” the following: “; provided further, that the amount allocated for the regional dispatch center listed in item 8234-0000 of section 2 of chapter 182 of the acts of 2008 shall be allocated in fiscal year 2013; provided further, that \$1,296,000 shall be provided for the Commonwealth's Hazardous Material Response Teams; provided further, that \$1,200,000 shall be allocated by the department for the Student Awareness Fire Education program; provided further, that \$75,000 shall be allocated by the department for Critical Incident Stress Management program; provided further, \$100,000 shall be allocated by the department for the Gardner On-Site Critical Incident Stress Management Residential Services”, and in said item by striking out the figures “13,218,884” and inserting in place thereof the figures “15,989,884”,

By striking out item 8900-0001 and inserting in place thereof the following item:

“8900-0001 For the operation of the commonwealth’s department of correction; provided, that all correctional facilities that were active in fiscal year 2012 shall remain open in fiscal year 2013; provided further, the commissioner of correction and the secretary of public safety and security shall report to the house and senate committees on ways and means and the joint committee on public safety and homeland security before January 1 of each year on the point score compiled by the department of correction’s

objective classification system for all prisoners confined in each prison operated by the department; provided further, that the amount allocated to the municipality housing MCI-Cedar Junction shall be not less than the amount allocated in 8900-0001 of section 2 of chapter 61 of the acts of 2007 relative to MCI-Cedar Junction; provided further, that the amount allocated for programs for incarcerated mothers in item 8900-0001 of section 2 of chapter 131 of the acts of 2010 shall be allocated to the program in fiscal year 2013; provided further, that the department shall expend not less than \$1,000,000 for cities and towns hosting department of corrections facilities; provided further, the department of correction may expend \$412,000 for the operation of the Western Massachusetts Regional Women's Correctional Center; provided further that the department of correction may expend \$412,000 to transfer male inmates with less than 2 years left on their sentence to the Hampden Sheriff's Department; provided further, that the amount allocated for the Dismas House in Worcester in item 8900-0001 of section 2 of chapter 182 of the acts of 2008 shall be allocated to the program in fiscal year 2013; and provided further, that this item shall pay for the operation of the Massachusetts Alcohol and Substance Abuse Center.....\$545,951,881”,

By inserting after item 8910-0188 the following item:

“8910-0288 For the Franklin Sheriff's office, which may expend for the operation of the office an amount not to exceed \$350,000 from revenues received from federal reimbursements for transportation of federal detainees; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....\$350,000”,

In line item 8910-1000 by striking out the figures “2,251,900” and inserting in place thereof the figures “2,388,300”,

By inserting after item 8910-1112 the following item:

“8910-1127 For the Hampshire Sheriff's office, which may expend for the operation of the office an amount not to exceed \$250,000 from revenues received from federal inmate reimbursements; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....\$250,000”,

In item 8910-8610 by striking out the figures “1,116,000” and inserting in place thereof the figures “2,500,000”,

In item 8950-0001 by striking out the figures “17,197,436” and inserting in place thereof the figures “17,497,436”; and

By inserting before the effective date sections (which were subsequently renumbered) the following eleven sections:

“SECTION 176. Chapter 18A of the General Laws is hereby amended by adding the following section:—

Section 10. Whenever a caseworker or other employee of the department of youth services charged with the care, custody or supervision of a youthful or

juvenile offender, any volunteer or employee of a contractor of the department of youth services charged with the care, custody or supervision or any duly authorized employee of the department of youth services engaged in the transportation of a youthful or juvenile offender for any lawful purpose the department of youth services of the commonwealth notifies their immediate supervisor that an assault on said employee has been committed by a juvenile or youthful offender in the care and custody of the department of youth services, the department of youth services shall forthwith notify the nearest state police unit and the district attorney for the county in which such assault occurred. Upon notification the department shall immediately provide said district attorney and state police official with any and all documentation pertaining to said assault including but not limited to video and audio recordings, written reports and any other evidence in the possession of the department of youth services.

SECTION 177. Chapter 37 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following section:—

Section 26. The sheriff shall issue to every full-time deputy employed by the sheriff an identification card bearing the deputy's photograph and identifying information. The secretary of public safety and security may adopt regulations relative to the form, content and issuance of identification cards and to the carrying thereof by deputies.

SECTION 178. Section 38B of chapter 127 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the words 'house of correction', in line 5, the following words:— trial court detention facility.

SECTION 179. Said section 38B of said chapter 127 of the General Laws, as so appearing, is hereby further amended by inserting after the words 'house of correction', in line 15, the following words:— trial court detention facility

SECTION 180. Section 1 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in line 231, the words 'The district court of Chelsea, held at Chelsea; Chelsea, and Revere' and inserting in place thereof the following words:— The Chelsea division of the Boston municipal court department, held at Chelsea; Chelsea and Revere.

SECTION 181. Section 108 of chapter 231 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 to 19, the words "district court of Chelsea" and inserting in place thereof the following words:— the Chelsea division of the Boston municipal court department.

SECTION 182. Section 3 of chapter 258B of the General Laws, as so appearing, is hereby amended by inserting after paragraph (v) the following paragraph:—

(w) Where the victim or witness is an employee of the department of youth services, no law enforcement agency, prosecutor, defense counsel, or parole, probation or corrections official may disclose or state the residential address, telephone number, or place of employment or school of the victim, a victim's family member, or a witness, except as otherwise ordered by the court. The court may enter such other orders or conditions to maintain limited disclosure of the information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses.

SECTION 183. Section 189 of chapter 68 of the acts of 2011 is hereby amended by striking out the words 'March 31, 2012' and inserting in place thereof the following words:— March 31, 2013.

SECTION 184. The Quincy district courthouse in the city of Quincy shall be designated and known as the Francis X. Bellotti Courthouse. The division of capital

asset management and maintenance shall erect and maintain suitable markers bearing the designation in compliance with the standards of the division.

SECTION 185. Notwithstanding any general or special law to the contrary, the department of fire services is hereby authorized and directed to establish rules and regulations for the safety and flammability of schools buses in the commonwealth. Such rules and regulations shall, at a minimum, address the flammability of plastic components contained in the engine compartment and occupant seating.

In developing said rules and regulations relative to the flammability of plastic components contained in the engine compartment, the department shall ensure that such rules and regulations: (i) conform with the standards set forth in Underwriters Laboratories incorporated standard 94, standard for safety of flammability of plastic materials for parts in devices and appliances testing, so-called, as that standard may be modified from time to time, and (ii) include a requirement that the plastic components contained in an engine compartment must meet a V-0 classification in the standards.

In developing said rules and regulations relative to the flammability of occupant seating, the department shall ensure that any such rules and regulations conform to either of the following: (i) the standard adopted by ASTM international designated as ASTM E2574 - standard test method for fire testing of schools bus seat assemblies, using pass-or-fail criteria established in section X3, as the standard may be modified from time to time, or (ii) standards adopted by the national congress on school transportation in the school bus seat upholstery fire block test, as those standards may be modified from time to time, that are established in the national school transportation specifications and procedures.

The department shall implement rules and regulations on or before January 1, 2014 to ensure no person, school board, municipality, or government entity shall contract for school bus transportation services or purchase a new school bus that is not in compliance with the provision of this section.

SECTION 186. Notwithstanding any general or special law to the contrary, the executive office of public safety and security shall provide an analysis detailing the costs of collecting DNA evidence during felony arrests. The report shall be filed with the clerks of the senate and house of representatives no later than January 1, 2013.”;

Pending the question on adoption of the amendments, Mr. Winslow of Norfolk moved to amend them by inserting, in proposed section 185, in the fourth paragraph, by inserting after the words “the provision of this section” the following: “; provided however, the provisions of this section shall not apply any school bus purchased or leased prior to January 1, 2014”. The further amendment was rejected.

After remarks on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. O’Flaherty of Chelsea; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 241 in Supplement.]

[Mr. Petrolati of Ludlow answered “Present” in response to his name.]

Therefore the amendments were adopted.

Mr. Webster of Pembroke and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 187. This act shall be known and may be cited as the ‘Massachusetts Security and Immigration Compliance Act.’

SECTION 188. The General Laws, as appearing in the 2006 Official Edition,

Amendments
(Judiciary and
public safety)
adopted,—
yea and nay
No. 241.

are hereby amended by inserting after chapter 117A the following new chapter:--

Chapter 117B

Restrictions on Public Benefits

Section 1. Definitions.

As used in this chapter the following terms shall have the following meanings unless the context clearly requires otherwise:-

‘Emergency Medical Condition,’ the same meaning as provided in section 1396b (v) (3) of Title 42 of the United States Code.

‘Federal Public Benefits,’ the same meaning as provided in section 1611 of Title 8 of the United States Code.

‘State Public Benefits,’ the same meaning as provided in section 1621 of Title 8 of the United States Code .

Section 2. (a) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, on and after January 1, 2013, each agency or political subdivision of the commonwealth shall verify the lawful presence in the United States of every natural person eighteen years of age or older who applies for state public benefits or for federal public benefits which are for the benefit of the applicant.

(b) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(c) Verification of lawful presences in the United States shall not be required:

For any purpose for which lawful presence in the United States is not required by law, ordinance, or rule;

For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and are not related to an organ transplant procedure;

For short-term, non-cash, in-kind emergency disaster relief;

For public health assistance for immunization with respect to diseases and for testing and treatment of symptoms of communicable diseases;

For programs, services, or assistance, such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by Federal laws or regulations that:

Deliver in-kind services at the community level, including services through public or private nonprofit agencies;

Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient’s income or resources; and

Are necessary for the protection of life or safety or;

For parental care.

(d) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen years of age or older for federal public benefits or state public benefits by requiring the applicant to:

(1) Produce:

A valid Massachusetts driver license or a Massachusetts identification card, issued pursuant to section 8 of chapter 90 of the General Laws, and 540 Code of Massachusetts Regulation (CMR) 2.06 (3) (b);

A United States military card or military dependent’s identification card; or

A United States Coast Guard Merchant Mariner card; or

A Native American tribal document.

(2) If such documentation as required in subparagraph (1) of subsection (d) of this section cannot be lawfully produced, execute a notarized affidavit stating:

That he or she is a United States citizen or legal permanent resident; or

That he or she is otherwise lawfully present in the United States pursuant to federal law.

(e) Notwithstanding the requirements of subparagraph (1) of subsection (d) of this section, the Commissioner of the Department of Revenue may issue emergency rules, to be effective until January 1, 2014 , providing for additional forms of identification or a waiver process to ensure that an individual seeking benefits pursuant to this section proves lawful presence in the United States. This subsection and all emergency rules authorized hereunder shall cease to be effective as of January 1, 2014.

(f) A person who knowingly makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subsection (4) of this section shall pay a fine of not less than \$1,000 and not more than \$5,000, or shall be sentenced to serve not less than 6 months nor more than 1 year in the House of Corrections. Each time that a person receives a public benefit based upon such a statement or representation they make shall constitute a separate violation of this section.

(g) (1) For an applicant who has executed an affidavit stating that he or she is an alien lawfully present in the United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the Federal Systematic Alien Verification for Entitlement program, referred to in this section as the 'SAVE program', operated by the United States Department of Homeland Security. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence for purposes of this section.

(2) The secretary of each executive office of the commonwealth shall promulgate regulations to ensure that each agency or political subdivision has access to the SAVE program by way of the executive office under which it is organized. Each executive office shall be responsible for the verification through the SAVE program of all its sub agencies. Each executive office shall enter into a memorandum of understanding or any other requirement pursuant to the SAFE program in order to streamline the verification process. Each executive office shall keep account of all applications submitted through its subdivisions and transfer back to its subdivisions any costs on an annual basis.

(h) Agencies or political subdivisions of the commonwealth may adopt variations of the requirements of paragraph (b) of subsection (4) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individuals circumstances in which the verification procedures in the section would impose unusual hardship on a legal resident of the commonwealth; provided, that the variations shall be no less stringent than the requirements of this section, including provisions to timely execute notarized affidavits.

(i) It shall be unlawful for an agency or political subdivision of the commonwealth to provide a federal public benefit or state or local public benefit in violation of this section. Each agency or department that administers a program that provides state or local public benefits shall provide an annual report with respect to its compliance with this section to the auditor and to the House and Senate chairs of the joint committee on state administration and regulatory oversight.

(j) Errors and significant delays by the SAVE program shall be reported to the United States Department of Homeland Security which monitors the SAVE program and its verification application errors and significant delays and report yearly on such errors and delays, to ensure that the application of the SAVE

program is not wrongfully denying benefits to legal residents of the State.

SECTION 189. If any provision of this act or the application thereof to any person or circumstance is held by any court to be unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of the section are declared to be severable.”.

Pending the question on adoption of the amendment, Mr. Kulik of Worthington moved to amend it by striking out the text and inserting in place thereof the following eleven sections:

“SECTION 187. The first paragraph of section 2 of chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentences:—

If the owner is a corporation or business entity, the application shall contain the name of the corporation or business entity, the full address, including the street, city or town, state and zip code, a federal tax identification number or social security number if the business entity is a sole proprietorship and does not have a federal tax identification number. If the applicant is a natural person, the application shall contain the name of the applicant, full residential address, date of birth, license number or identification card number issued by the registrar and such other particulars as the registrar may require. Except as otherwise provided in this chapter or in regulations adopted by the registrar, no registration shall be issued for a motor vehicle or trailer owned or leased by a natural person unless one of its registering owners or lessees holds a valid license, social security card issued by Social Security Administration, a federal tax identification number or other proof of legal presence. The registrar shall provide by regulation for exemptions for out-of-state students, military personnel, senior citizens and disabled persons.

SECTION 188. Section 12 of said chapter 90, as so appearing, is hereby amended by striking subsections (a) and (b) and inserting in place thereof the following subsections:—

(a) Whoever knowingly employs for hire as a motor vehicle operator any person not licensed in accordance with this chapter shall be punished by a fine of not more than \$1,000 for a first offense, or, for a second or subsequent offense by a fine of not less than \$1,000 nor more than \$2,000 or imprisonment in the house of correction for not more than 1 year, or both such fine and imprisonment.

(b) Whoever knowingly permits a motor vehicle owned by him or under his control to be operated by a person who is unlicensed or whose license has been suspended or revoked shall be punished by a fine of not more than \$1,000 or imprisonment in a house of correction for not more than 1 year for a first offense, or, for a second or subsequent offense by a fine of not less than \$1,000 nor more than \$2,000 or imprisonment in the house of correction for not more than 2 ½ years, or both such fine and imprisonment.

SECTION 189. Section 20 of said chapter 90, as so appearing, is hereby amended by striking out, in line 10, the words “of not less than \$100 nor more than \$1,000” and inserting in place thereof the following:— by a fine of not more than \$500 for a first offense, by a fine of not less than \$500 nor more than \$1,000, for a second offense, by a fine of not less than \$1,000 nor more than \$2,000, for any subsequent offense.

SECTION 190. Section 24B of chapter 90 of the general laws is hereby amended by inserting, after the first paragraph, the following paragraph:—

Whoever falsely makes forges or counterfeits a learner’s permit, a license to

operate motor vehicles or an identification card issued under section 8E with the intent to distribute such learner's permit, license to operate motor vehicles or identification card or assists another to do so shall be punished as follows: (i) for the above acts involving 1 to 5 documents, by a fine of not more than \$2,500 or by imprisonment in a house of correction for not more than 2 ½ years, or both such fine and imprisonment; (ii) for acts involving 5 to 10 documents, by a fine of not more than \$5,000 or by imprisonment in state prison for not more than 5 years, or both such fine and imprisonment; (iii) for acts involving more than 10 documents, by a fine of not more than \$25,000 or by imprisonment in state prison for not more than 10 years or both such fine and imprisonment.

SECTION 191. The registrar of motor vehicles shall investigate and report on any compliance issues with the implementation of the federal REAL ID Act of 2005 occurring on January 15, 2013, as it pertains to the issuance of licenses to operate motor vehicles. The registrar shall file the report, accompanied by any legislative recommendations, with the clerks of the house of representatives and senate and the chairs of the joint committee on public safety on or before October 1, 2012.

SECTION 192. (a) Notwithstanding any general or special law to the contrary, the MassHealth program within the executive office of health and human services shall: (i) continue to implement the state option provided by section 1902(ee) of the Social Security Act, 42 U.S.C. section 1396a(ee), to verify the citizenship or nationality of individuals declaring to be United States citizens or nationals; and (ii) continue to use the federal Systematic Alien Verification for Entitlements, or SAVE system, to verify the immigration status of applicants presenting an alien admission number or alien file number.

Consistent with federal and state law and notwithstanding (a)(ii) of this section, the SAVE system may be incorporated into a system for the executive office of health and human services and all agencies organized therein, to determine common eligibility standards for applicants. Nothing in this section shall be construed to prevent the development of a system of common eligibility standards that includes additional agencies outside the executive office of health and human services, provided that such system shall include the use of the SAVE system.

(b) Annually, on or before February 1, or as further developments warrant, the executive office of health and human services or the executive office of administration and finance shall report to the senate and house committees on ways and means the status of efforts to implement a system to determine common eligibility standards for applicants.

(c) Annually, on or before February 1, the executive office of health and human services shall report to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered from recipients, providers or other vendors who fraudulently received benefits or payments under chapter 118E of the General Laws.

SECTION 193. Notwithstanding any general or special law to the contrary, to prevent fraud and misuse of public assistance benefits, the department of transitional assistance shall continue to:

(1) consistent with federal and state law, require all applicants for benefits to declare in writing under penalty of perjury whether the individual is a citizen of the United States and if not whether the individual meets applicable immigration status requirements; provided, however, that noncitizens shall be required to provide documentation from the United States Department of Homeland Security or such other documents as the department determines constitutes reasonable evidence of required immigration status; provided further, that consistent with federal and state

law, the state shall provide a reasonable opportunity to submit evidence of required immigration status and will not delay, deny, reduce or terminate benefits on the basis of immigration status until such verification is provided; provided further, that the department of transitional assistance shall use the federal Systematic Alien Verification for Entitlements or SAVE system to verify the immigration status of any noncitizen whose documentation includes an alien registration number to determine whether the individual meets noncitizen requirements for benefit eligibility purposes and shall verify the social security number of each individual seeking benefits, citizens as well as noncitizens, in accordance with procedures established by the Social Security Administration;

(2) implement data matching with the department of revenue, the department of children and families, the division of unemployment assistance and any other relevant state agencies to verify financial and categorical eligibility criteria;

(3) cooperate fully with the food and nutrition service of the United States Department of Agriculture in pursuing and prosecuting vendor fraud;

(4) refer all credible reports of fraud received from its fraud hotline or any other source to the bureau of special investigations for investigation in accordance with protocols for prioritizing cases;

(5) pursue, to the fullest extent possible, consistent with protocols for prioritizing cases, administrative disqualification penalties for instances of Supplemental Nutrition Assistance Program and cash assistance fraud; and

(6) report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the department from those who received benefits fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

SECTION 194. Consistent with federal and state law, and to prevent fraud and misuse of unemployment benefits, the division of unemployment assistance shall continue to:

(1) maintain interagency agreements with the United States Social Security Administration and the United States Citizenship and Immigration Service within the Department of Homeland Security to utilize a primary verification system to determine citizenship or work authorization at the time of new claim filings through the SAVE system;

(2) require noncitizen claimants to provide their alien registration number; provided, however, that the division of unemployment assistance shall verify claimant information and alien registration number with the United States Citizenship and Immigration Service within the Department of Homeland Security;

(3) require noncitizen claimants who cannot provide an alien registration number during the new claim process to send copies of any official documents they have that authorize them to work in the United States to the division of unemployment assistance;

(4) institute a secondary verification process for claims for which a non-citizen does not have an alien registration number or if primary verification does not establish satisfactory status, using division staff to review the documents and transmit pertinent information from the documents for verification with the United States Citizenship and Immigration Service within the Department of Homeland Security;

(5) flag expiration dates of work authorizations or in the unemployment insurance system if such dates exist; and

(6) report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered

by the division of unemployment assistance from those who received benefits fraudulently as well as the numbers of recipients who were issued disqualifications.

SECTION 195. (a) Notwithstanding any general or special law to the contrary, an applicant for the MassGrant program administered by the department of higher education office of grant assistance shall complete the Free Application for Federal Student Aid or other federal student loan program that verifies both financial and citizenship eligibility.

(b) The secretary of education shall continue to report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the department of education from those who received assistance fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

SECTION 196. (a)(1) Notwithstanding any general or special law to the contrary, the department of housing and economic development shall continue to direct local housing authorities to:

(i) require an applicant to provide the local housing authority with access to reliable and reasonably obtainable documentation verifying the accuracy of information provided by an applicant on an application form or otherwise necessary at the time of determining final eligibility and qualification; provided, however, that income of applicants shall be verified by the procedure set forth in paragraph (2); provided further, that if the local housing authority has verified any information when making a preliminary determination of eligibility for the applicant, the local housing authority shall reverify that information on its final determination of eligibility and qualification; and provided further, that nonreceipt of requested documentation, without good cause established by the applicant, shall be cause for determining that the applicant is unqualified;

(ii) require an applicant to provide the names and current addresses of all landlords or housing providers for the applicant and the applicant's household members during the 5 years immediately preceding the application to the date of the final determination; provided, however, that if after request the local housing authority has failed to receive a reference from a landlord or a housing provider, it shall notify the applicant of nonreceipt and the local housing authority shall request that the applicant use his best efforts to cause his landlord or housing provider to submit the reference to the local housing authority; provided further, that in the event that the applicant uses his best efforts but is unsuccessful, the applicant shall cooperate with the local housing authority in securing information from other sources relative to the tenancy; and provided further, that nonreceipt of a reference from a landlord or housing provider shall be cause for determining an applicant unqualified unless the applicant can show that he has used best efforts to secure the reference and that he has complied with reasonable requests for cooperation in securing other information;

(iii) obtain criminal offender record information for each applicant and, if necessary, check public records, credit reports, other sources of public information and other reliable sources; provided, however, that the local housing authority may conduct a home visit, which shall be scheduled reasonably in advance; and provided further, that observations by the person making such a visit shall be promptly reduced to writing and placed in the applicant's file; and

(iv) obtain information regarding eligibility or qualification from interviews with the applicant and with others from telephone conversations, letters or other documents and from other oral or written materials; provided, however, that all such information received shall be recorded in the applicant's file, including the date of

its receipt, the identity of the source and the person receiving the information.

(2) The local housing authority shall assess financial eligibility by reviewing the applicant's net household income. In reviewing the applicant's financial status, the local housing authority shall assess net household income pursuant to regulations and guidelines promulgated by the department of housing and community development.

(b) The secretary of housing and economic development shall report annually to the senate and house committees on ways and means and the executive office for administration and finance the amount of money recovered by the department from those who received assistance fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

SECTION 197. (a) Notwithstanding any general or special law to the contrary, the house and senate committees on post audit and oversight shall conduct a joint hearing during each session of the General Court to consider the operation of, and compliance with, citizenship verification measures for the receipt of public assistance benefits. The committees may invite the secretaries of health and human services, administration and finance, education, labor and workforce development and housing and economic development, and any other relevant agency representative, to testify as to the agency's activity, including, but not limited to, (1) compliance with the federal Systematic Alien Verification for Entitlements, or SAVE system; (2) development of a system of common eligibility standards; (3) prevention of fraud and misuse of public benefits, including the amount of money recovered from those who received benefits fraudulently and the number of recipients who were issued disqualifications; (5) the status of interagency agreements; (6) and areas of difficulty in enforcing citizenship verification measures, including the net cost of such measures. The committee shall inform the membership of the General Court of the findings of the hearing by filing a report with the clerks of the house and senate.

(b) Notwithstanding any general or special law to the contrary, the house and senate committees on post audit and oversight shall, on or before July 31, 2012, conduct a joint hearing to consider the Commonwealth's participation in the Secure Communities program, a program established by the U.S. Department of Homeland Security Immigration and Customs Enforcement to share data between the Federal Bureau of Investigations and Immigration and Customs Enforcement, which program the federal government plans to deploy nationwide by 2013 and which it stated, in August 2011, requires no memorandum of agreement with any state or local jurisdiction in order to implement. The committees shall invite testimony from the attorney general; the secretaries of administration and finance, public safety and security, and health and human services; the chief information officer of the Commonwealth; the director of the office for refugees and immigrants; the director of the division of local mandates within the office of the auditor; representatives of the Massachusetts Sheriff's Association; Massachusetts District Attorney's Association; the Massachusetts Office for Victim Assistance and other individuals or organizations with expertise in the administration of federal policies related to immigration, public safety and civil rights. The committees shall evaluate the steps Massachusetts and local governments would need to take, if any, to prepare for the federal government's planned universal deployment of Secure Communities in 2013 and the potential impact on state and local governments of participation in the Secure Communities program, in the areas of (1) costs associated with participation in the program, including but not limited to, potential costs related to personnel, equipment, technology upgrades, training, detention, and community education, (2)

administration and functioning of the law enforcement and criminal justice systems, (3) outreach and communications strategies between law enforcement and local communities, impact on community policing initiatives and immigrants' willingness to report domestic violence and other crimes, and (4) access to public services for impacted populations, including but not limited to, children, including children placed in foster care or otherwise separated from parents following deportation of one or more their parents under the program, victims of domestic and sexual violence, seniors and persons with disabilities. The committees shall additionally request from the Department of Homeland Security (1) a report on the status of implementation of the recommendations by the Homeland Security Advisory Council Task Force on Secure Communities, contained in its report of September 2011, "Task Force on Secure Communities: Findings and Recommendations," including an explanation for the failure to implement any recommendations and (2) data on (i) the number of persons nationwide and in Massachusetts since the Secure Communities program's inception who were deported under the Secure Communities program following that person's reporting of a domestic violence incident or other crime, including those who may on that basis have been eligible to apply for documented status, (ii) the number of U.S. citizen and other children, nationwide and in Massachusetts since the Secure Communities program's inception who were separated from a parent deported under the Secure Communities program, and (iii) the number of the aforementioned child population placed in foster care as a result of separation from one or both parents. The committees shall inform the membership of the General Court of the findings of the hearing by filing a report with the clerks of the house and senate no later than August 31, 2012.

(c) Notwithstanding any general or special law to the contrary, the executive office of administration and finance shall prepare a report no later than September 1, 2012 on the total amount of MassHealth spending in fiscal year 2012 on individual, family, and other benefits for citizens of the United States who are residents and non-residents of Massachusetts: qualified immigrants; aliens with special status; and persons who have provided no documentation to fit into other categories. In calculating the amounts described herein, the executive office of administration and finance shall use generally accepted accounting principles encompassing all state spending. Said report shall be filed with the chairs and ranking minority members of the house and senate committee on ways and means and the clerks of the house of representatives and senate."

After remarks the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Webster of Pembroke and other members of the House then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

"SECTION 198. Chapter 149 of the General Laws is hereby amended by striking Section 19C in its entirety and inserting in its place the following:—

Section 19C. It shall be unlawful for any employer knowingly to employ any alien in the commonwealth, who is a student or visitor or, who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the attorney general of the United States. An employer shall not be deemed to have violated this section if he has made a bona fide inquiry whether a person hereafter employed or referred by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence, or

admitted under a work permit, or is authorized by the attorney general of the United States to accept employment.

An inquiry into the employment status and identity of an alien shall be deemed bona fide if an employer verifies the work eligibility status of each newly hired employee through the federal electronic employment authorization verification program known as E-Verify or any successor program created pursuant to 8 U.S.C. 1324a.

a) Each employer in Massachusetts shall apply to participate in the program for the purpose of verifying the work eligibility status of each of the employer's newly hired employees by the following dates:

(1) An employer with two hundred (200) or more employees shall apply to participate in the program no later than January 1, 2013;

(2) An employer with at least fifty (50) employees but fewer than two hundred (200) employees shall apply to participate in the program no later than July 1, 2013; and

(3) An employer with fewer than fifty (50) employees shall apply to participate in the program no later than January 1, 2014.

b) Any employer who violates any provision of this section shall be punished by a fine of not more than five thousand nor less than five hundred dollars. An employer convicted of a second or subsequent offence shall be punished by imprisonment in the House of Corrections for not less than six months.

c) 'Employer' as used in this section shall include any person acting in the interest of an employer directly or indirectly.”.

The amendment was rejected.

Mr. Lyons of Andover then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 198. (a) Notwithstanding any general or special law to the contrary, the executive office of administration and finance shall prepare a report on the following: 1) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of citizens of the United States who are residents of the Commonwealth of Massachusetts; 2) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of persons holding Green Cards who are residents of the Commonwealth of Massachusetts; 3) the total amount of the state budget that is being used to fund individual, family, and other benefits or expenditures on behalf of citizens of the United States whose residence in the Commonwealth of Massachusetts cannot be established; and 4) the total amount of the state budget that is being used to fund individual, family, and other benefits and expenditures on behalf of all other persons.

(b) Said report shall also itemize expenditures used to provide services to residents of the Commonwealth, non-residents, and those whose residence cannot be identified with respect to: legal services, including but not limited to criminal defense costs; translations and translator services; the detention of prisoners; and the Health Safety Net program, including cost to government, cost shifting to other payers or insurers, and the cost to hospitals, clinics, and other health-care providers.

(c) In calculating the amounts described in subsections (a) and (b), the executive office of administration and finance shall utilize generally accepted accounting principles encompassing all state spending.

(d) Said report shall be filed with to the chair and ranking minority member of the house committee on ways and means, the chair and ranking minority member of

the senate committee on ways and means, and the clerks of the house of representatives and senate no later than October 15, 2012.”.

The amendment was rejected.

The same member then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

"SECTION 198. (a) Notwithstanding any general or special law to the contrary, the executive office of administration and finance shall prepare a report on detailing the total amount of the Health Safety Net program that is being used to fund benefits on behalf of each of the following categories: 1) Citizens of the United States; 2) Qualified Immigrants; 3) Aliens with Special Status; and 4) Persons who have provided no documentation to fit in the other categories.

(b) Said report shall also separately identify all other costs with respect to the Health Safety Net program, including but not limited to: cost to taxpayers; cost shifting to other payers, agencies or insurers; and cost to hospitals, clinics, and other health-care providers.

(c) In calculating the amounts described in subsections (a) and (b), the executive office of administration and finance shall utilize generally accepted accounting principles encompassing all state spending.

(d) Said report shall be filed with to the chair and ranking minority member of the house committee on ways and means, the chair and ranking minority member of the senate committee on ways and means, and the clerks of the House of Representatives and senate no later than October 15, 2012.”.

The amendment was rejected.

Mr. Lyons then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 198. The General Laws are hereby amended by inserting after chapter 117A the following new chapter:—

Chapter 117B

Residency Requirements for Public Benefits

Section 1. Self declaration of residency shall not be accepted as a valid form of residency verification for people seeking taxpayer-funded individual benefits from the Commonwealth of Massachusetts.”.

The amendment was rejected.

The same member then moved to amend the bill by inserting before the effective date sections (which were subsequently renumbered) the following section:

“SECTION 198. (a) Definitions. As used in this section, the following terms shall have the following meanings unless the context clearly requires otherwise:—

‘Federal Public Benefits,’ the same meaning as provided in section 1611 of Title 8 of the United States Code.

‘State Public Benefits,’ the same meaning as provided in section 1621 of Title 8 of the United States Code.

(b) Except as where otherwise provided for by federal, general, or special law, all state public benefits and all federal public benefits shall only be received by individuals who are citizens of the commonwealth and for persons who are residents of the commonwealth and have proper verifiable documents or identification from their country of origin.”.

The amendment was rejected.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by striking out section 35 and inserting in place thereof the following

two sections:

“SECTION 35. Chapter 18 of the General laws, as most recently amended by chapter 84 of the acts of 2011, is hereby amended by striking out sections 5I and 5J and inserting in place thereof the following sections:—

Section 5I. (a) As used in sections 5I through 5J, inclusive, the following terms shall, unless the context clearly requires otherwise, have the following meanings:—

‘Access device’, a card, code, or other means of access including an automated teller machine or point of sale terminal that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds under the federal Food Stamp Act, 7 U.S.C. § 2011 et seq., or regulations issued pursuant to the federal Food Stamp Act.

‘Cosmetics’, includes (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for beautifying, promoting attractiveness, or altering appearance, and (2) articles intended for use as a component of any such articles; provided, however, that cosmetics shall not include soap, shampoo, deodorant, toothpaste, or other personal hygiene products.

‘Department’, the department of transitional assistance.

‘Direct cash assistance’, any manner of cash assistance provided by the department of transitional assistance, including, but not limited to, temporary aid to families with dependent children, wherein the assistance is provided directly to the recipient, rather than a vendor.

‘Drinking establishment’, any tavern or club licensed to sell alcoholic beverages, wines, or malt beverages pursuant to chapter 138 that derives more than 50 per cent of the establishment’s profit from the sales of alcoholic beverages, wines, or malt beverages.

‘Electronic benefit transfer card’, a card that provides benefits through an electronic benefit transfer.

‘Electronic benefit transfer’, a system for the food stamp program as an alternative to issuing food stamp coupons. An electronic benefit transfer system is a computer-based system in which the benefit authorization is received through a point of sale terminal. Eligible households utilize plastic cards in lieu of food stamp coupons to purchase food items at authorized food retailers. This type of benefit may also be used to issue other types of public welfare benefits.

‘Eligible recipient’, a person who meets the nonfinancial, financial and categorical requirements that the department of transitional assistance utilizes to determine, upon application or review, whether a person is entitled to direct cash assistance, barring any evidence of an outstanding default or arrest warrant issued by any court of the commonwealth.

‘Liquor Store’, any establishment licensed to sell alcoholic beverages, wines, and malt beverages not to be drunk on the premises pursuant to section 15 of chapter 138, and excluding any food store as defined pursuant to section 184B of chapter 94

‘Performance’, any play, dance, concert, exhibit, including movies, simulcasts, any such entertainment at an establishment which displays live nudity for patrons, as defined pursuant to section 9A of chapter 40A, or any such entertainment performed before one or more persons, excluding performances offered by, at or through any preschool, school, college, university, public library, church or nonprofit organization.

‘Performance venue’, any place at which a performance is conducted,

including, but not limited to a: sports arena, stadium, ball park, race track, movie theatre, or establishment which display live nudity for patrons, as defined pursuant to section 9A of chapter 40A.

‘Person’, a natural person, corporation, association, partnership or other legal entity.

‘Travel services’, furnishing or facilitating interstate or foreign travel, including transportation and vacation services.

(b) No person shall knowingly use or accept direct cash assistance funds held on electronic benefit transfer cards or access devices for the purchase or sale of the following services or products, without limitation: (1) alcoholic beverages as defined pursuant to section 1 of chapter 138; (2) lottery tickets; (3) tobacco products as defined pursuant to section 1 of chapter 64C; (4) any visual material intended to create or simulate sexual conduct or sexual excitement as defined pursuant to section 31 of chapter 272; (5) firearms or ammunition as defined pursuant to section 121 of chapter 140; (6) admission to any performances; (7) cosmetics; (8) professional services, excluding medical care, provided by any member of the bar or any person licensed pursuant to chapter 112; (9) travel services; (10) services, excluding childcare services, or memberships provided by health clubs as defined pursuant to section 78 of chapter 93; (11) tattoos for the marking of the human body or other body art or piercings; (12) jewelry; (13) for the rental of goods or real property; (14) for the payment to the commonwealth or any political subdivision thereof of any tax, fee or penalty, including restitution or bail or bail bonds ordered by a court; or (15) gambling as defined pursuant to section 2 of chapter 23K.

(c) Any business that offers for sale the services or products defined by subsection (b), and excluding businesses defined by subsection (e), shall display in an area conspicuous patrons a sign containing the following statement: “Massachusetts law (M.G.L. c.18, §5I) prohibits the use of EBT or direct cash assistance for the purchase of the following products and services: alcoholic beverages; tobacco products; lottery tickets; sexually explicit material; firearms or ammunition; admission to performances; cosmetics; professional services; travel services; health club memberships or services; tattoos, body art, or piercings; jewelry; rental goods or property; payment of any tax, fee, or penalty including bail or bail bonds; and gambling. Violators will be punished to the full extent of the law. If you witness EBT benefit fraud, please report it, toll-free, by calling: 1-800-FRAUD-99 (1-800-372-8399).

The department shall maintain a downloadable template of the sign on the department’s website. Business associations may also maintain a downloadable template of the sign on their websites.

(d) No eligible recipient shall use electronic benefit transfer cards at access devices housed within the following types of businesses: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) beauty shops, barber shops, manicure shops or aesthetic shops registered pursuant to chapter 112; (8) health clubs as defined pursuant to section 78 of chapter 93; (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; (12) cruise ships.

(e) The following types of businesses shall not house access devices that accept electronic benefit transfer cards: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or

adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) beauty shops, barber shops, manicure shops or aesthetic shops registered pursuant to chapter 112; (8) health clubs as defined pursuant to section 78 of chapter 93; (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; (12) cruise ships.

Upon request, any state agency that, in the regular course of business, regulates retail stores shall cooperate with law enforcement regarding potential violations of this section. At minimum, the department shall identify all violators on a monthly basis and direct the appropriate vendor to technologically prohibit the respective access device from accepting electronic benefit transfer cards. Any business or store owner who knowingly houses an access device that accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not less than \$1,000 for the first offense; not less than \$3,000 for the second offense and not less than \$10,000 for the third or subsequent offense.

(f) Any business defined by subsection (e), shall display in an area conspicuous to patrons a sign containing the following statement: 'Massachusetts law (M.G.L. c.18, §5J) prohibits this store from accepting EBT cards or direct cash assistance and Massachusetts law (M.G.L. c.18, §5I) prohibits customers from purchasing products in this store with EBT cards or direct cash assistance.

Violators will be punished to the full extent of the law. If you witness EBT benefit fraud, please report it, toll-free, by calling: 1-800-FRAUD-99 (1-800-372-8399)'.

The department shall maintain a downloadable template of the sign on the department's website. Business associations may also maintain a downloadable template of the sign on their websites.

(g) Any eligible recipient of direct cash assistance who knowingly makes a purchase in violation of this section shall reimburse the department for such purchase and shall be disqualified from the direct cash assistance program for a period of 3 months for the first offense and permanently, for the second offense.

(h) Any person, excluding any eligible recipient, who knowingly violates subsection (b), subsection (c), or subsection (f) of this section shall be punished by a fine of not more than \$500 for the first offense, a fine of not less than \$500 nor more than \$1,000 for the second offense and a fine of not less than \$10,000 for the third or subsequent offense.

Section 5J (a) No person shall knowingly transfer, acquire, alter or possess an electronic benefit transfer card or access device in any manner not authorized by the federal Food Stamp Act, the federal Social Security Act, 42 U.S.C. 608(a) et seq., or this chapter.

(b) No person shall present for payment or redemption an electronic benefit transfer card or access device that has been illegally received, transferred, or altered.

(c) Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of less than \$100, shall, upon the first conviction thereof, be fined not more than \$1,000 or be imprisoned in a jail or house of correction or the state prison for not more than 1 year, or both, and upon the second and any subsequent conviction thereof, shall be fined not more than \$1,000 or imprisoned in a jail or house of correction or the state prison for not more than 2 1/2 years, or both.

Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefit has an aggregate value of more than \$100 but less

than \$5,000, shall, upon the first conviction thereof, be fined not more than \$10,000 or be imprisoned in a jail or house of correction or in the state prison for not more than 3 years, or both, and, upon the second and any subsequent conviction thereof, shall be fined not more than \$10,000 or be imprisoned in a jail or house of correction or in the state prison for not more than 5 years or both.

Any person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of \$5,000 or more shall be fined not more than \$250,000 or be imprisoned in a jail or house of correction or the state prison for not more than 20 years, or both.

(d) Any person who is found to have knowingly violated subsection (a) or subsection (b) shall forfeit to the commonwealth all property, real and personal, used in connection with the violation or any proceeds traceable to the violation.

The proceeds from any sale of forfeited property and any monies forfeited under this subsection shall be used by the commonwealth to reimburse the bureau of special investigations in the office of the state auditor, established under section 16 of chapter 11, or any other state or local agency for any cost incurred in the investigative effort resulting in the forfeiture.

No interest in property shall be forfeited under this subsection as the result of any act or omission established by the owner of the interest to have been committed or omitted without the knowledge or consent of the owner.

(e) The alcoholic beverages control commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b) of this section or subsection (b) or subsection (e) of section 5L.

(f) The state lottery commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b) of this section or subsection (b) or subsection (e) of section 5L.

SECTION 35A. Chapter 18 of the General Laws, as so appearing, is hereby amended by inserting after section 5K the following new sections:—

Section 5L. Notwithstanding any general or special law to the contrary, the department shall charge all eligible recipients of direct cash assistance a fee of \$10 for the first requested replacement of an electronic benefit transfer card and a fee of \$25 for any additional replacement of an electronic benefit transfer card. All fees for replacement cards shall be deducted directly from the recipient's direct cash assistance.

Section 5M. Notwithstanding any general or special law to the contrary, direct cash assistance issued by the Commonwealth shall not be used for purchases in states other than Massachusetts and states contiguous to Massachusetts. For the purposes of this section, contiguous states shall mean: New Hampshire, Connecticut, Rhode Island, New York, and Vermont. The department shall identify all violators, at minimum, on a monthly basis. Any eligible recipient who violates this section shall be disqualified from the program for not less than 3 months. The department shall notify the recipient that they must report in person to their local department of transitional assistance office to have their benefits reinstated. Any eligible recipient who violates this section for a second time shall be permanently disqualified from the direct cash assistance program.

Section 5N. Notwithstanding any general or special law to the contrary, the department shall implement a vendor payment system for the non-cash payment of rent and electric and gas utility bills for all eligible recipients of direct cash assistance. The department shall have 50 per cent of all direct cash assistance recipients enrolled in the vendor payment system by July 31, 2012, and shall have the remaining 50 per cent of recipients enrolled in the vendor payment system by

November 30, 2012. Beginning on July 31, 2012, all recipients of direct cash assistance shall be enrolled in the vendor payment system upon admittance into the direct cash assistance program.

Section 5O. Notwithstanding any general or special law to the contrary, by November 30, 2012, all eligible recipients of direct cash assistance shall access monthly direct cash assistance through the department's vendor payment system or point of sale payments, provided however, that eligible recipients shall not withdraw cash assistance from a point of sale transaction. Beginning on November 30, 2012, eligible recipients of direct cash assistance shall not have access to monthly direct cash assistance through automatic teller machines.

Section 5P. Notwithstanding any general or special law to the contrary, the department shall solicit, in writing, a cost estimate from the department's current vendor and at least one other vendor for the costs associated with requiring the department to include, on the front of each newly issued, re-issued, and existing electronic benefit transfer card, a photograph of the cardholder. The department shall submit a final cost estimate by filing the same with the clerks of the house and the senate not later than November 30, 2012."

Pending the question on adoption of the amendment, Ms. Walz of Boston moved to amend it by striking out proposed sections 35 and 35A and inserting in place thereof the following four sections:

"SECTION 35. Chapter 18 of the General laws, as amended by chapter 84 of the acts of 2011, is hereby amended by striking out sections 5I through 5J, inclusive, and inserting in place thereof the following 2 sections:—

Section 5I. (a) As used in sections 5I through 5J, inclusive, the following terms shall, unless the context clearly requires otherwise, have the following meanings:—

'Access device', a card, code, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds under the federal Food Stamp Act, 7 U.S.C. § 2011 et seq., or regulations issued pursuant to the federal Food Stamp Act.

'Cosmetics', includes (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; provided, however, that cosmetics shall not include soap, shampoo, deodorant, toothpaste, or other personal hygiene products.

'Automatic teller machine', a machine allowing for cash withdrawals of direct cash assistance.

'Department', the department of transitional assistance.

'Direct cash assistance', any manner of cash assistance provided by the department of transitional assistance, including, but not limited to, temporary aid to families with dependent children, wherein the assistance is provided directly to the recipient, rather than a vendor.

'Drinking establishment', a business licensed to sell alcoholic beverages pursuant to chapter 138 that derives more than 50 per cent profit from the sale of alcoholic beverages.

"Electronic benefit transfer card", a card that provides benefits through an electronic benefit transfer.

'Electronic benefit transfer', a system for the food stamp program as an alternative to issuing food stamp coupons. An electronic benefit transfer system is a computer based system in which the benefit authorization is received through a

point of sale terminal. Eligible households utilize plastic cards in lieu of food stamp coupons to purchase food items at authorized food retailers. This type of benefit may also be used to issue other types of public welfare benefits.

‘Eligible recipient’, a person who meets the nonfinancial, financial and categorical requirements that the department of transitional assistance utilizes to determine, upon application or review, whether a person is entitled to direct cash assistance, barring any evidence of an outstanding default or arrest warrant issued by any court of the commonwealth.

‘Immediate family’, the recipient and his spouse, and their parents, children, brothers and sisters.

‘Liquor Store’, an establishment licensed to sell alcoholic beverages not to be drunk on the premises pursuant to section 15 of chapter 138 excluding any food store as defined pursuant to section 184B of chapter 94.

‘Performance’, any commercially offered play, dance, concert, exhibit, including movies or simulcasts, any such entertainment at an establishment which displays live nudity for patrons as defined pursuant to section 9A of chapter 40A, or any such entertainment performed before 1 or more persons, excluding performances offered by, at or through any preschool, school, college, university, public library, church or nonprofit organization.

‘Performance venue’, any place at which a performance is conducted, including, but not limited to, a sports arena, stadium, ball park, race track, , or establishment which display live nudity for patrons, as defined pursuant to section 9A of chapter 40A.

‘Person’, a natural person, corporation, association, partnership or other legal entity.

‘Travel services’, furnishing or facilitating interstate travel for vacation or foreign travel, except in the case of the death of a family member or family emergency.

(b) (1) No person shall knowingly use or accept direct cash assistance funds held on electronic benefit transfer cards or access devices for the purchase or sale of the following services or products: (1) alcoholic beverages as defined in section 1 of chapter 138; (2) lottery tickets; (3) tobacco products as defined in section 1 of chapter 64C; (4) any visual material or performance intended to create or simulate sexual conduct or sexual excitement as those terms are defined pursuant to section 31 of chapter 272; (5) firearms or ammunition as defined in section 121 of chapter 140; (6) admission to any performances; (7) cosmetics; (8) professional services, excluding medical care, provided by any member of the bar or any person licensed pursuant to chapter 112 professional services provided by any member of the bar or any person licensed pursuant to chapter 112, but excluding health care services and services provided for haircutting or funeral or final disposition; (9) travel services; (10) services, excluding childcare services, programs at a community center or similar nonprofit facility or memberships, provided by health clubs as defined pursuant to section 78 of chapter 93; (11) tattoos for the marking of the human body or other body art or piercings; (12) jewelry; (13) for the rental of goods or real property, except for rent paid for a primary residence; (14) for the payment to the commonwealth or any political subdivision thereof of any, fee, fine or penalty, including restitution or bail or bail bonds ordered by a court; or (15) gambling as defined pursuant to section 2 of chapter 23K.

(2) No person shall knowing use an access device or automatic teller machine to access direct cash assistance funds held on electronic benefit transfer cards at: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3)

performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) manicure shops or aesthetic shops registered pursuant to chapter 112; (8) (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; (11) drinking establishments; (12) on cruise ships.

(3) No person shall permit the use of an access device or automatic teller machine to access direct cash assistance funds held on electronic benefit transfer cards at: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) manicure shops or aesthetic shops registered pursuant to chapter 112; (9) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; or (12) cruise ships.

(c) The following types of businesses shall not house access devices or automatic teller machines that accept electronic benefit transfer cards: (1) liquor stores; (2) gaming establishments licensed pursuant to chapter 23K; (3) performance venues; (4) adult bookstores or adult paraphernalia stores, as defined pursuant to section 9A of chapter 40A; (5) firearms dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of chapter 140; (6) tattoo parlors; (7) manicure shops or aesthetic shops registered pursuant to chapter 112; (8) rent-to-own furniture, electronics, or appliance stores; (10) jewelry stores; and (11) drinking establishments; (12) cruise ships.

(d) Any business that offers for sale the services or products defined by subsection (b), excluding businesses defined by subsection (e), shall display in an area conspicuous to patrons a sign advising patrons of the excluded products.

The department shall develop the sign and make a downloadable form available on the department's website. Business associations may also maintain a downloadable form of the sign on their websites.

(e) Any business identified in subsection (b), shall display in an area conspicuous to patrons a sign instructing patrons that the business is prohibited from accepting electronic benefit transfer cards.

The department shall develop the sign and make a downloadable form available on the department's website. Business associations may also maintain a downloadable form of the sign on their websites.

(f) No person shall knowingly access, or provide access to, direct cash assistance funds held on electronic benefit transfer cards or access devices to an eligible recipient from outside the commonwealth, except for states that immediately border the commonwealth; provided, however, that the department may permit direct cash assistance funds held on electronic benefit transfer cards or access devices to an eligible recipient to be accessed outside of the commonwealth or states along its border for a family or medical emergency or other such emergency purpose as approved by the department; and provided further, that an electronic benefit transfer card or access device shall be authorized to access federal Supplemental Nutrition Assistance Program benefits in any manner authorized by federal law.

(g) Any eligible recipient of direct cash assistance who knowingly makes a purchase in violation of this section shall reimburse the department for such

purchase and shall be disqualified from the direct cash assistance program for a period of 3 months for the first offense and permanently for the second offense.

(h) Any person, except an eligible recipient, who knowingly violates clause 1 of subsection (b), subsection (c) or subsection (d) of this section shall be punished by a fine of not more than \$500 for the first offense, a fine of not less than \$500 nor more than \$1,000 for the second offense and a fine of not less than \$10,000 for the third or subsequent offense.

At minimum, the department shall identify all violators on a monthly basis and direct the appropriate vendor to technologically prohibit the respective access device from accepting electronic benefit transfer cards.

(i) Any person, except an eligible recipient who knowingly violates clause 2 or clause 3 of subsection (b) shall be punished by a fine of not less than \$1,000 for the first offense; not less than \$3,000 for the second offense and not less than \$10,000 for the third or subsequent offense.

(j) The alcoholic beverages control commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (b) or subsection (c).

(k) The state lottery commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (b) or subsection (c).

Section 5J (a) No person shall knowingly, transfer, acquire, alter or possess an electronic benefit transfer card or access device in any manner not authorized by the federal Food Stamp act or this chapter.

(b) No person shall present for payment or redemption an electronic benefit transfer card or access device that has been illegally received, transferred, or altered.

(c) A person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of less than \$100, shall, upon the first conviction thereof, be imprisoned in a jail or house of correction for not more than 1 year or fined not more than \$1,000, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned in a jail or house of correction for not more than 2 1/2 years or fined not more than \$1,000, or both.

A person who is found to have knowingly violated subsection (a) or subsection (b), if such benefit has an aggregate value of more than \$100 but less than \$5,000, shall, upon the first conviction thereof, be imprisoned in a jail or house of correction or in the state prison for not more than 3 years or be fined not more than \$10,000, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned in a jail or house of correction or in the state prison for not more than 5 years or be fined not more than \$10,000, or both.

A person who is found to have knowingly violated subsection (a) or subsection (b), if such benefits are of an aggregate value of \$5,000 or more, shall be imprisoned in a jail or house of correction or the state prison for not more than 20 years or be fined not more than \$250,000, or both.

(d) Any person who is found to have knowingly violated subsection (a) or subsection (b) shall forfeit to the commonwealth all property, real and personal, used in connection with the violation or any proceeds traceable to said violation.

The proceeds from any sale of forfeited property and any monies forfeited under this subsection shall be used by the commonwealth to reimburse the bureau of special investigations in the office of the state auditor, established under section 16 of chapter 11, or any other state or local agency for any cost incurred in the investigative effort resulting in the forfeiture.

No interest in property shall be forfeited under this subsection as the result of any act or omission established by the owner of the interest to have been committed

or omitted without the knowledge or consent of the owner.

(e) The alcoholic beverages control commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b).

(f) The state lottery commission may suspend or revoke the license of any person who is found to have knowingly violated subsection (a) or subsection (b).

Section 5K. Whoever embezzles, steals or obtains by fraud any funds, assets or property provided by the department and whoever receives, conceals or retains such funds, assets or property for his own interest knowing such funds, assets or property have been embezzled, stolen or obtained by fraud shall, if such funds, assets or property are of a value of \$100 or more, be punished by a fine of not more than \$25,000 or by imprisonment in a jail or house of correction for not more than 2 1/2 years, or imprisonment in the state prison for not more than 5 years, or both such fine and imprisonment, or if such funds, assets or property are of a value of less than \$100, by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction for not more than 1 year, or both such fine and imprisonment.

Section 5L. The department shall charge all eligible recipients of direct cash assistance a fee of \$5 for each requested replacement card. All fees for replacement cards shall be deducted directly from the recipient's direct cash assistance.

SECTION 35A. Notwithstanding any general or special law to the contrary, the department of transitional assistance benefits in the form of vendor payments with respect to rent and utilities, whenever a determination is made that the grant has not been used in the best interests of the child or the assistance unit or other chronic misuse of benefits is occurring, provided that implementation of vendor payments will not increase the risk of homelessness, decrease the ability to escape domestic abuse or impair the assistance unit's ability to withhold payment as a reasonable exercise of consumer or tenant rights when there is a legitimate dispute as to whether terms of an agreement have been met. The department of transitional assistance may presume mismanagement of benefits whenever shelter costs, including, but not limited to, rent, heat, fuel, utilities, have regularly not been met without reasonable cause. At eligibility determinations and redeterminations, the department shall screen households to determine if they have chronically failed to pay rent and utilities to determine if vendor payments are appropriate and shall refer households to the housing consumer education centers and community based resources for assistance in meeting their expenses.

SECTION 35B. Notwithstanding any general or special law to the contrary, the department of transitional assistance and the Massachusetts Bay Transit Authority shall coordinate to ensure that by June 30, 2013, direct cash assistance funds held on electronic benefit transfer cards be accepted for payment of public transportation fares at electronic fare vending machines.

SECTION 35C. Notwithstanding any general or special law to the contrary, there shall be an independent commission to study and report on the development of a cashless payment system in using electronic benefit transfer, or EBT, cards. The commission shall consist of the following 9 members: the commissioner of transitional assistance, or a designee, who shall serve as chair; the inspector general, or a designee; the state auditor, or a designee; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; and 2 persons representing eligible recipients as appointed by the governor. The commission shall research, assess and develop recommendations to implement a cashless payment system and investigate and report on the feasibility of expanding the direct vendor

payment system for rent and utility payments for all eligible recipients.. The commission shall hire an independent consultant to conduct the research and assist with the preparation of any recommendations. The report shall include, but shall not be limited to, the following: (1) the costs associated with and any technological improvements necessary to implement and the time frame required for the expansion; (2) the implementation of a vendor payment system for the non-cash payment of rent and utility bills for all eligible recipients of direct cash assistance; and (3) the feasibility of placing fluctuating limitations on the percentage allocated to direct cash assistance and point of sale use. The commission shall submit a final report of its findings and recommendations, together with drafts of legislation necessary to implement those recommendations, by filing the same with the clerks of the senate and house on or before December 31, 2012.”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Holmes of Boston; and on the roll call 123 members voted in the affirmative and 33 in the negative.

[See Yea and Nay No. 242 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Dempsey of Haverhill and other members of the House then moved to amend the bill in section 2

In item 7002-0012 by striking out the figure: “6,915,087” and inserting in place thereof the figures “8,609,158”,

In item 7002-0017 by striking out the figures “2,796,246” and inserting in place thereof the figures “2,952,761”,

In item 7003-0100 by striking out the figures “429,961” and inserting in place thereof the figures “758,649”,

In item 7003-0200 by striking out the figures “1,283,716” and inserting in place thereof the figures “2,026,178”,

In item 7003-0803 by striking out the figures “4,480,122” and inserting in place thereof the figures “4,752,323”,

In item 7003-1206 by inserting after the word “organizations” the following: “; provided, that not less than \$250,000 shall be expended for the New England Farm Workers Council; provided further, that the Urban League of Eastern Massachusetts shall receive 50 per cent of the amount appropriated in chapter 68 of the acts of 2011 and that the remainder of said amount be expended for the Urban League of Springfield, Massachusetts; and provided further, that not less than \$25,000 shall be expended for programs supporting and promoting cultural heritage diversity, and education in the city of Boston that were in item 7007-0900 in chapter 182 of the acts of 2008”, and in said item by striking out the figures “500,000” and inserting in place thereof the figures “1,525,000”,

By inserting after item 7006-0071 the following item:
 “7007-0150 For the Massachusetts office of business development for contracts with regional economic development organizations under the program established by section 3J and 3K of chapter 23A of the General Laws..... \$850,000”,

In item 7007-0300 by striking out the words “including the MassWorks Capital Infrastructure Program,”

In item 7007-0800 by inserting after the words “technical assistance services within said center” the following: “; provided further, that no less than \$25,000 each shall be expended for the Winthrop and Revere Chambers of Commerce, respectively, for the purpose of small business development”, and in said item by

Further amendment adopted,—yea and nay No. 242.

Consolidated amendments (business and economic development).

striking out the figures “1,204,286” and inserting in place thereof the figures “1,254,286”,

By inserting after item 7007-0800, the following item:

“7007-0801 For microlending grants of up to \$100,000, to be issued to established Community Development Financial Institutions and Community Advantage Lenders making direct microenterprise and small business loans to borrowers on a regional basis, as well as providing technical assistance to applicants and borrowers in order to foster business establishment and success, provided that the funds will be used to support eligible organization’s lending and technical assistance activities.....\$200,000”,

In item 7007-0952 by striking out the figures “3,500,000 and inserting in place thereof the figures “3,750,000”,

In item 7008-0900, in line 3, by inserting after the word “commonwealth” the following: ”; provided further, that no less than \$200,000 shall be expended as grants for the Bay State Games; provided further, that no less than \$250,000 shall be expended as matching grants to the Plymouth 400th Committee for the commemoration of the town of Plymouth’s 400th anniversary; provided further that no less than \$25,000 shall be expended as grants for business assistance organizations in the city of Haverhill that were in item 7007-0900 in chapter 182 of the acts of 2008; provided further, that no less than \$250,000 shall be expended for a matching grant program to the Enrichment Center located in Mattapan; provided further that no less than \$50,000 shall be provided to the Grand Army of the Republic Historical Museum in Lynn; provided further, that no less than \$200,000 shall be expended for opening the 11 Visitor Information Centers from Memorial Day to Columbus Day; provided further, that no less than \$75,000 shall be expended for the Waltham Tourism Council; provided further, that no less than \$30,000 shall be expended for a child safety grant in the town in Saugus; provided further, that no less than \$100,000 shall be expended for a senior safety grant in the town of Newburyport; provided further, that not less than \$25,000 shall be expended for the Town of Pembroke’s 300th Anniversary; provided further, that not less than \$25,000 shall be expended for the Town of Duxbury’s 375th Anniversary”, and in said item by striking out the figures “1,822,454” and inserting in place thereof the figures “3,052,454”, and

In item 7008-1000 by striking out the figures “4,000,000” and inserting in place thereof the figures “6,000,000”;

By inserting before the effective date sections (which were subsequently renumbered) the following three sections:

“SECTION 198. Chapter 23A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 10A the following new section:—

Section 10B. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the Student Entrepreneurial Development and Economic Investment Fund, hereinafter referred to as the Student Investment Fund, to which shall be credited any appropriations, bond proceeds, or other monies authorized by the general court and specifically designated to be credited thereto and additional funds designated for deposit to the student investment fund, including any pension funds, federal grants or loans, or private donations made available to the secretary of economic development. The secretary of economic development shall hold the student investment fund in an account separate from other funds or accounts. Amounts credited to the student investment

fund shall be available to the investment board as established in subsection (b) to carry out the purposes of subsection (c).

(b) The investment board shall consist of the following members: the secretary of economic development or his designee, who shall serve as the chairperson of the board; the chairman of the board of higher education or his designee, who shall serve as the vice-chairperson of the board; the president of the Massachusetts technology development corporation, or his designee; the executive director of commercial ventures and intellectual property, or his designee; two private Massachusetts-based investors to be chosen by the chairperson in consultation with the president of the Massachusetts technology development corporation; one student representative selected by the university of Massachusetts representative to the board of higher education; one student representative selected by the state college representative to the board of higher education; and one student representative selected by the community college representative to the board of higher education. The chairman of the board of higher education shall establish a student application program to aid the representatives of the board of higher education in the selection of student members to the board.

Five members of the board shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(c) The purpose of the student investment fund shall be to provide an opportunity for interested students to gain experience in entrepreneurialism and early-stage business development while fostering an economic environment that will attract students to the commonwealth and forge a relationship between the public higher education system and the Massachusetts business community with the intent of driving economic growth. Funds made available to the student investment board from the student investment fund shall be used for a grant program administered by the board for prototype funding of Massachusetts' student ideas in early development stages; provided however, that the development of such ideas, plans, or business occur within the commonwealth. The secretary of economic development shall promulgate rules regarding the enforcement and penalties for recipients who relocate outside of the commonwealth. The board shall not be limited in the number of grants distributed to students in any 1 year; provided however, that the total monetary amount of all grants distributed by the board in a fiscal year shall not exceed 20 per cent of the fund's first year balance. The board shall hold periodic hearings to allow selected students, who have submitted a statement of interest and initial business plan, the opportunity to present a comprehensive business plan describing characteristics and proprietary positions of the student's product or services; present and future markets for such products or services; potential strategies for the future development and funding of the prototype product or service; a statement of amount, timing and projected use of the capital sought by the student; and a statement of the projected growth in employment or other positive economic impacts. Comprehensive business plans may be written and reviewed in consultation with the Massachusetts technology transfer center at the University of Massachusetts.

(d) The board shall, by January 1 of each year, submit a report of its activities for the preceding fiscal year to the governor, the joint committee on economic development and emerging technologies, and the clerks of the house of representatives and senate. Each report shall set forth a complete financial statement covering its operation during the year and shall also include any requests for

additional appropriations.

SECTION 199. Section 1 of chapter 30B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 87 through 88, paragraph (31) of subsection (b) in its entirety.

SECTION 200. Section 2 of chapter 354 of the acts of 2008 is hereby amended by striking the figure ‘2012’ and inserting in place thereof the figure:— 2016.”.

The amendments were adopted.

Mr. Dempsey of Haverhill moves to amend the bill in section 2

In item 1599-0026, in lines 4 to 7, inclusive, by striking out the following: “provided further, that the competitive grant program shall include only those local education authorities whose chapter 70 aid in fiscal year 2013, as a percentage of foundation budget, is less than that local education authorities’ target aid share for fiscal year 2013” and inserting in place thereof the following: “provided further, that no less than \$200,000 be expended for the purpose of funding a 20% regional grant match for the Fire Chiefs Association of Plymouth County to develop and upgrade the emergency radio communications system in Plymouth County”, and in said item by striking out the figures “5,750,000” (inserted by amendment) and inserting in place thereof the figures “5,950,000”.

In item 2300-0100, in line 8, by inserting after the words “budgetary costs” the following: “; provided, further, that no more than \$10,000 shall be expended for costs incurred relating to the transfer of a parcel of land by the commonwealth in the town of Halifax to the town”, and in said item by striking out the figures “645,902” and inserting in place thereof the figures “655,902”.

In item 3000-7050, in line 11, by inserting after the words “shall include, but not be limited to” the following: “, the home-based, school readiness and family support program known as the parent-child home program”, and in line 23, after the word “item”, by striking out the words “the home-based, school readiness and family support program known as the parent-child home program” (inserted by amendment),

In item 7003-1206, in line 3, by inserting after the following: “chapter 182 of the acts of 2008” (inserted by amendment) the following: “; provided further, that no less than \$100,000 shall be provided for financial support of the MA Latino Chamber of Commerce”, and in said item by striking out the figures “1,525,000” (inserted by amendment) and inserting in place thereof the figures “1,625,000”.

In item 7061-0928, in line 10, by striking out the word “department” and inserting in place thereof the words “department’s advisory committee”, and in line 13, by striking out the date “January 4, 2013” and inserting in place thereof the date “December 31, 2013”;

In section 81, in line 1050, by inserting after the word “services” the word “personal”;

In section 90, in line 1359, by inserting after the word “co-chairs” the words “; the secretary of elder affairs, or a designee”, and in line 1369, by striking out the following: “and 4 members” and inserting in place thereof the following: “the president of the Alzheimer’s Association, or a designee; and 3 members”;

In section 91, in line 1393, by inserting after the word “contrary” the words: “, in the case of community colleges;

By inserting before the effective date sections (which were subsequently renumbered) the following two sections:

“SECTION 201. Section 5K of chapter 59 of the General Laws is hereby amended by inserting, in line 5 and line 7, after the phrase ‘age of 60’ the following:— and veterans, as defined in clause forty-third of section 7 of chapter 4,.

SECTION 202. Notwithstanding any general or special law to the contrary the Department of Public Health is prohibited from raising licensing fees for food vending machines greater than 100% in a calendar year.”.

The amendments were adopted (the effective date sections then were renumbered to become sections 203 to 208, inclusive).

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call 152 members voted in the affirmative and 4 in the negative.

[See Yea and Nay No. 243 in Supplement.]

Therefore the bill (House, No. 4101, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 243.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at the hour of eleven o’clock A.M.

Next sitting.

At two minutes after twelve o’clock A.M. (Thursday, April 26), on motion of Mr. Peterson of Grafton (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following Monday at eleven o’clock A.M., in an Informal Session.